

**FRANKLINTOWN
BOROUGH**

**YORK COUNTY
PENNSYLVANIA**

ZONING ORDINANCE

ORDINANCE NO. 273 -2009

AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NUMBER 250-1997, KNOWN AS "CODE OF ORDINANCES" BY ADDING PART 14, ZONING, CHAPTER 1, THE BOROUGH OF FRANKLINTOWN ZONING ORDINANCE, SECTIONS 100 - 615, INCLUDING THE BOROUGH ZONING MAP, TO PROMOTE, PROTECT AND FACILITATE THE PUBLIC HEALTH, SAFETY AND WELFARE THROUGH COORDINATED AND PRACTICAL COMMUNITY DEVELOPMENT.

This Ordinance shall become effective thirty (30) days after enactment.

Duly enacted and ordained by the Council of the Borough of Franklinton, County of York, Commonwealth of Pennsylvania the 4th day of February, 2009 in lawful session duly assembled.

ATTEST

BOROUGH OF FRANKLINTOWN

Deborah Walker
Secretary

By: Richard H. Blouch
President of Council

Examined and approved this 5 day of February, 2009.

By: Joe J. Code
Mayor of Borough of Franklinton

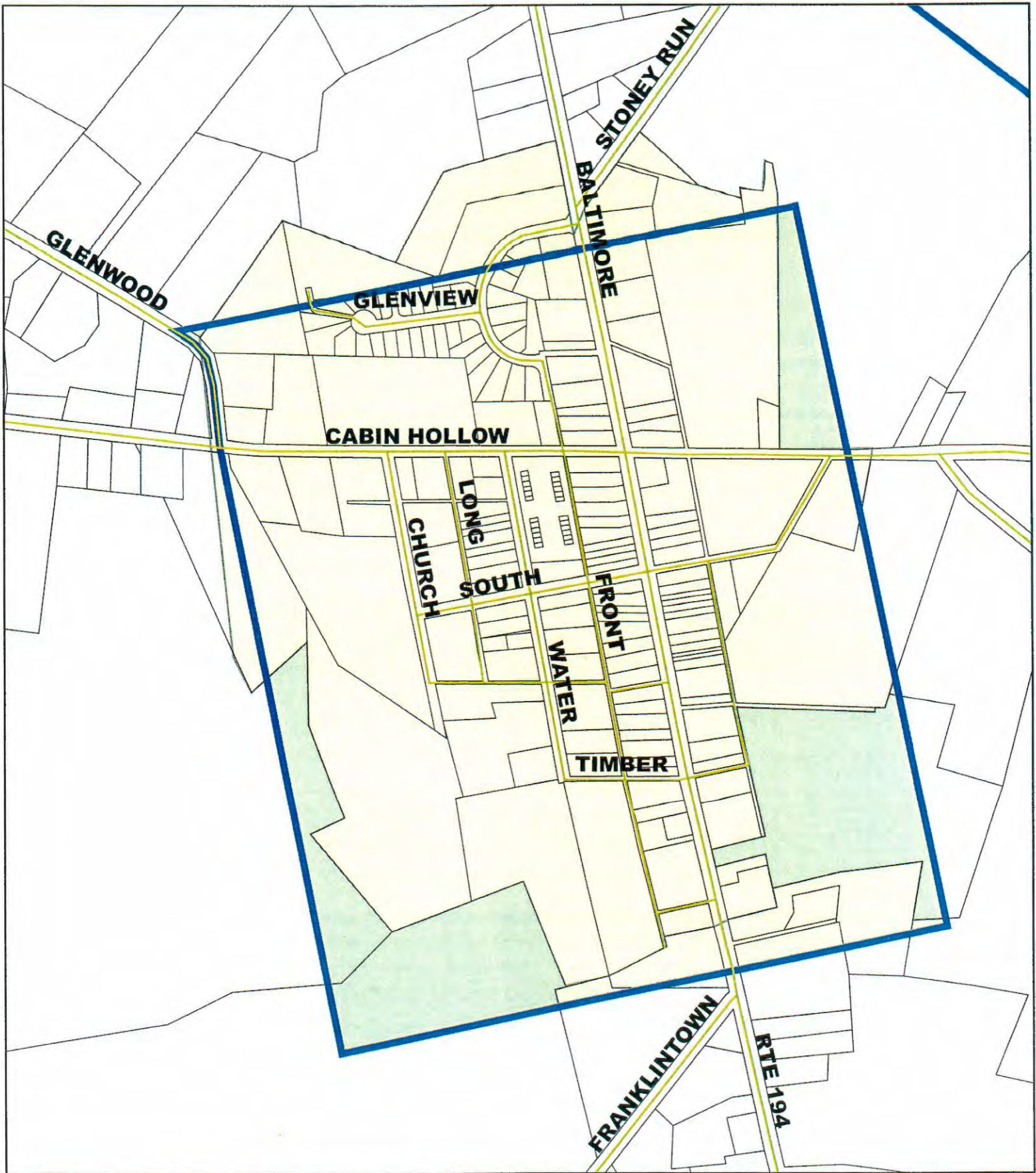
FRANKLINTOWN BOROUGH MUNICIPAL OFFICE

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Legend

-  roads
-  Borough Boundary
-  Parcels
- Zoning Districts**
-  Village
-  Rural Conservation

**FRANKLINTOWN BOROUGH
ZONING MAP**

1 inch = 500 feet



July 29, 2008

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ARTICLE 1 BACKGROUND PROVISIONS

100. Short Title

This Ordinance should be known and may be cited as "The Franklinton Borough Zoning Ordinance."

101. Authority

- A. Borough Authority. Section 601 of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended) provides that the Franklinton Borough Council may enact and amend a zoning ordinance to implement the provisions of the Northern York County Region Comprehensive Plan with respect to land within Franklinton Borough and to accomplish any of the purposes of Act 247.
- B. Applicability. This Ordinance requires that, within Franklinton Borough, in the County of York and the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water, or structure is located.

102. Purpose

- A. General Purposes. The Franklinton Borough Zoning Ordinance is designed to meet the following general purposes. To promote, protect and facilitate any/or all of the following:
 - 1. The public health, safety, morals, and the general welfare.
 - 2. Coordinated and practical community development and proper density of populations.
 - 3. Emergency management preparedness and operations.
 - 4. Provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, educational institutions, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements.
 - 5. Preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
 - 6. Prevention or minimization of one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire or flood.
 - 7. Provisions for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes.
 - 8. Accommodation of reasonable overall community growth, including population and employment growth.
- B. This Ordinance provides the legal basis and framework for the future development and redevelopment of the Borough. Its provisions are guided by the statement of community development goals and objectives and the policy and action plans of the Northern York County Region Comprehensive Plan as they relate to Franklinton Borough.

103. Scope

In all zones, after the effective date of this Ordinance, any existing building or other structure or any tract of land shall be created, constructed, developed or used only in accordance with the regulations specified for each district. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as non-conforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to non-conforming buildings, structures, or uses.

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104. Interpretation

- A. In interpretation and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Borough.
- B. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.
- C. Whenever a use clearly is not permitted by right, by conditional use or by special exception anywhere in the Borough, the use is prohibited in the Borough, except that the applicant may apply to the Zoning Hearing Board. The Zoning Hearing Board may permit such use as a special exception if the applicant proves to the satisfaction of the Zoning Hearing Board that the use would be compatible with permitted uses in that zone. Also, the applicant shall prove that the proposed use would be compatible with the intent of the zone. The Zoning Hearing Board shall use such criteria as are listed in this Ordinance and in the Pennsylvania Municipalities Planning Code, and shall not permit any use that is expressly excluded in the district.
- D. Any use not specifically permitted in a district is prohibited in that district, except as is permitted above.

105. Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued there under, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings or structures, or prescribes larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulation contained within this Ordinance and that contained in any other ordinance, rule or regulation, that provision, rule or regulation which imposes the greater restriction shall apply.

106. Validity

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

107. Establishment of Zones

- A. For the purpose of this Ordinance, Franklinton Borough is hereby divided into zones, which shall be designated as follows:
 - 1. Rural Conservation (RC)
 - 2. Village (V)

108. Zoning Map

The areas within Franklinton Borough, as assigned to each zone and the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

109. Zone Boundary Lines

The zone boundary lines shall be shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage

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of this Ordinance; the corporation boundary of the Borough; or as dimensioned on the map. In the event of dispute about the location for the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

110. Community Development Objectives

- A. This Ordinance is enacted in accordance with the Northern York County Region Comprehensive Plan and has been formulated to implement the purpose set forth in above. This Ordinance is enacted with regard to the following community development objectives:
1. To encourage the preservation of the community's rural character, where appropriate, by expanses of open space and conservation of natural and cultural resources.
 2. To establish population densities, as appropriate to each district, in order to ensure adequate circulation, health standards, privacy and open space, and in order to provide utilities, protection, services and facilities in the most convenient and efficient manner.
 3. To encourage and promote the provision of a wide-range and variety of housing types to meet the needs of all Borough residents, including newly-formed households, growing families and senior citizens.
 4. To insure that the land uses of the community are logically situated in relation to each other.
 5. To facilitate the efficient movement of traffic.
 6. To stimulate the local economy by encouraging controlled and appropriate business location and development.

111. Definitions

- A. **WORD USAGE** – Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
- B. **LANGUAGE INTERPRETATION** – In this Ordinance, when not consistent with the context:
1. Words in the present tense imply also the future tense.
 2. The singular includes the plural.
 3. The male gender includes the female gender.
 4. The word "person" includes an individual, association, partnership or corporation, as well as any similar entity.
 5. The term "shall" or "must" is always mandatory.
- C. **SPECIFIC WORDS AND PHRASES** – The following words and phrases shall have the particular meaning assigned by this section.

ABANDONMENT – The intentional relinquishment of land or structure or the intentional cessation of use of land or structure.

ACCESSORY BUILDING/STRUCTURE – A subordinate building or structure, serving a purpose customarily incidental to the use of the principal building or structure and located on the same lot as the principal structure or principal use.

ACCESSORY USE – A use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principle use.

ACT – Shall mean the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

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AGRIBUSINESS OPERATION – An enterprise that is actively involved in the intensive commercial production and preparation for market of livestock, livestock productions, animal husbandry, and poultry. All operations must obtain and implement a Nutrient Management, Erosion and Sediment Control Plan and obtain a certification/permit from the County Conservation District or the State Conservation Commission and Department of Environmental Protection.

AGRICULTURE OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock products and in the production, harvesting and preparation for the market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ALLEY – A public thoroughfare primarily for service access to the rear or sides of properties and is not intended for general traffic circulation.

ALTERATIONS – As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, of the moving from one location or position to another.

AMATEUR RADIO ANTENNA – An accessory structure or device, partially or wholly exterior to a building that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies, including ham radios. Amateur radio antennas are not considered communication towers and antennas as regulated in this Ordinance.

AMENDMENT – A revision to the Zoning Ordinance text and/or the official Zoning Map and meeting the process requirements of the administration article of this Ordinance.

AMUSEMENT ARCADE – An indoor commercial recreation facility or part of a building in which pinball machines, video games, or other similar player-operated amusement devices, for entertainment purposes only, are present and maintained as the primary use. Slot machines, video poker machines or any other computerized amusement devices used for the purpose of gambling are not permitted. For the purpose of this definition, "primary use" means fifty-one (51) percent or more of the gross floor area of the portion of the structure being use (not to include any area of a structure being used as storage).

ANIMAL HOSPITAL – Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

ANIMAL HUSBANDRY – The raising and keeping of livestock and poultry, not including agribusinesses as defined herein, with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, excluding accessory kennels or stables.

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

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to the approval of a subdivision plat or plan or for the approval of a development plan.

APPOINTING AUTHORITY – The Franklinton Borough Council.

AREA, BUILDING – The total of areas taken on a horizontal plane at the grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

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ATTIC – That part of a building, which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE FILLING STATION – Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

BASEMENT – A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance of the basement ceiling is five (5) feet over the average adjoining grade or ground level or if used for business or dwelling purposes, other than a game or recreation room.

BED AND BREAKFAST INN – A single-family detached dwelling where between one (1) and six (6) rooms are rented to overnight guests on a daily basis for periods not exceeding two (2) consecutive weeks. Meals may be offered only to registered overnight guests.

BILLBOARD – A sign upon which images, messages, or both, of any kind are printed, posted, or lettered, whether freestanding or attached to surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed, or to disseminate other messages.

BOARD – The Zoning Hearing Board of Franklinton Borough.

BOROUGH – Franklinton Borough.

BOROUGH COUNCIL – The Franklinton Borough Council.

BOARDING HOUSE – A detached building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business to individuals that do not constitute a family.

BUFFER – Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILD-TO-LINE – A designated location for building construction to occur.

BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosures of persons, vehicles, animals, or belongings, and including covered porches or bay windows and chimneys.

BUILDING AREA – The total of areas taken on a horizontal plane at the grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

BUILDING COVERAGE – The area of ground covered by a building or structure.

BUILDING ENVELOPE – The portion of a lot in any zone that is the designated area for the development of all buildings and structures, excluding the areas defined by building setbacks.

BUILDING FRONT ENTRANCE – The side of a building to which the front entrance faces a street.

BUILDING HEIGHT – The distance measured between the mean grade at the front of the structure to the highest point of the structure, excluding chimneys, spires, towers, elevator penthouses, tanks and similar projections.

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BUILDING/LAND USE PERMIT – Written permission issued by the proper Borough authority for the construction, repair, alteration, addition, or demolition of a structure.

BUILDING, PRINCIPAL – A building used for the conduct of the principal use of a lot, and which is not an accessory building.

BUILDING SETBACK LINE – The line within a property defining the required minimum distance between any structure and the adjacent right-of-way or property line.

BUILDING SPACING – The horizontal distance between two buildings.

CARPORT – An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts.

CAR WASH – A principle or accessory use whereby structures equipped with apparatus for the washing, waxing, vacuuming or any combination thereof, of vehicles are provided.

1. **AUTOMATIC CAR WASH** – A self-serve car wash in which the vehicle enters a washing bay and is cleaned solely by a mechanized process.
2. **FULL SERVICE CAR WASH** – A car wash in which attendants are responsible for some portion of the washing process.
3. **SELF-SERVICE CAR WASH** – A car wash in which the vehicle enters a washing bay and is cleaned by the vehicle's occupants.

CEMETERY – Property used for the interring of the dead.

CHANNEL – A natural or artificial watercourse with a definite end and banks, which confine and conduct continuously or periodically flowing water.

COMMUNITY CENTER – A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses.

CONDITIONAL USE – A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. The Borough Council reviews conditional uses in accordance with this Ordinance.

CONDOMINIUM – A form of ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVATION EASEMENT – The grant of a property right stipulating that the described land will be permanently protected in its natural state or permitted state prescribed in the ordinance and precluding any future subdivision and land development.

CONSERVATION SUBDIVISION – A land development process that seeks to identify and permanently protect special natural and/or environmental features and open space in designated conservation areas or preserves.

CONTINUING CARE RETIREMENT COMMUNITY – A community licensed by the Commonwealth Department of Insurance and offering a range of housing, support and health care services so older people do not have to move when their needs change. Many offer independent living (single or multi-family units) and personal care units as well as long-term care nursing centers, all at one campus and developed as a planned unit development.

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CONTRACTOR SHOPS – A shop for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry and cabinet making, and other structural components of buildings.

CONVENIENCE STORE – An establishment of five thousand (5,000) square feet or less of gross floor area, selling a variety of goods, comprised of food and beverages, generally purchased in small quantities. It is the intention of this definition not to include small grocery, specialty or gourmet stores but to include quick service retail establishments which are characterized by high traffic generation and rapid turnover of customers.

CONVERSION APARTMENT – A multi-family dwelling constructed by converting an existing single family dwelling into no more than two additional dwelling units, which does not substantially alter the exterior of the building.

COUNTY – York County, Pennsylvania.

DAY CARE – Care provided for individuals, either children or adults by an unrelated individual. Care is provided for part of a 24-hour day. The following definitions apply to different types of child and adult day care in accordance with Chapter 3270, Child Day Care Centers, of Title 55, Public Welfare of the Pennsylvania Code and Pennsylvania Department of Aging, Pennsylvania Code, Title 6, Chapter 11, as revised or amended.

1. Commercial Day Care Center - a Pennsylvania state-certified facility providing care for six (6) or more children.
2. Family Day Care Home – A Pennsylvania state-certified home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.
3. Older Adult Daily Living Centers – A facility licensed through the Pennsylvania Department of Aging and operated for profit or not-for-profit to provide daily living services for part of a 24-hour day to four or more older adults, who are sixty years of age or older or eighteen years and older with a dementia-related disease and who are not a relative of the operator, in accordance with the Pennsylvania Code, Title 6, Chapter 11, as revised or amended.

DECISION – Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the York County Court of Common Pleas.

DENSITY – The number of residential and non-residential units permitted per acre of land.

DETERMINATION – Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the governing body or the zoning hearing board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT PLAN – The provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase

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"provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.

DRIVE-THROUGH FACILITIES – An accessory use involving a customer being able to order and receive food or other items or make financial transactions while the customer remains within their vehicle.

DWELLING – A building designed or used as the living quarters for one or more families. The term "dwelling" shall not include boardinghouse, hotel, motel, hospital, nursing home, fraternity, sorority house or any group residence.

1. **Single-Family Detached:** A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.
2. **Duplex (two-family; single-family semi-detached):** A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard.
3. **Multifamily dwellings:** A building containing three or more dwelling units.
4. **Townhouse:** A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

DWELLING UNIT – A living area comprised of more than one room used for living and sleeping purposes and having its own kitchen with fixed cooking, refrigeration and plumbing facilities, and its own sanitation facilities with bath and toilet fixtures, all arranged for occupancy by one family or a single person. Each dwelling unit shall have a separate access to the outside or to a common passageway.

FAMILY – A single individual living alone as a separate housekeeping unit and doing his/her own cooking, or a collective body of people living together in a domestic relationship which may or may not be based upon birth, marriage, custodianship, adoption or other domestic bond as a single housekeeping unit based on an intentionally structured relationship providing organization and stability and doing their own cooking with or without assistance from others. This definition does not include persons occupying a hotel, dormitory, lodge or boarding house.

FARM – Any parcel of land with ten (10) or more acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FARM MARKET – A commercial enterprise consisting of one (1) or more buildings, structures or portions of buildings or structures, either permanent or temporary, used primarily for the retail sale of agricultural goods produced on farms in the local area, but also may include associated products, including but not limited to commercially packaged handicrafts and/or processed or packaged foodstuffs.

FARM OCCUPATION – An accessory/secondary use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm.

FARM -RELATED BUSINESSES – A business that supports a farm activity provided in Franklinton Borough and meets the regulations of this ordinance.

FENCE – Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire mesh or masonry, composite materials, single or in combination, erected for the purposes of containing livestock or animals, of screening or dividing one property from another to assure privacy, or

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to protect the property so screened or divided, or to define and mark the property line, when such structure is erected or within two (2) feet of any front, side or rear lot line.

FILL – Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

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

FLOOD – A general, but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other waters of the Commonwealth.

FLOOD, BASE - ONE HUNDRED (100) YEAR FLOOD – The highest level of flooding that, on the average, is likely to occur every 100-years or that has a one (1%) percent chance of occurring each year.

FLOOD-FRINGE AREA – The portion of the 100-year flood plain outside of the area or that portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus twenty-five (25%) percent of the regulatory base flood discharge.

FLOOD HAZARD AREA – The 100-year floodway and maximum land area likely to be flooded by a 100-year flood.

FLOOD HAZARD BOUNDARY MAP – An official map or plat on which the boundaries of the flood hazard area have been drawn. This map conforms to the Flood Insurance Study Map and provides sufficient scale and clarity to permit the identification of parcels as being either within or without the flood hazard area.

FLOOD PLAIN (100-YEAR) – The 100-year floodway and the maximum area of land that is likely to be flooded by the 100-year flood as shown on the Flood Insurance Study Map.

FLOODPROOFING – Structural or other changes or adjustments to properties or obstructions for the reduction or elimination of flood damages to such properties and obstructions, or to the contents of any structure.

FLOODWAY – The portion of the flood plain, including the watercourse itself and any adjacent land area that must be kept open in order to carry the water of the 100-year flood. At a minimum, any floodway must be large enough to carry the water of the 100-year flood without causing an increase of more than one (1) foot in the elevation of the existing 100-year flood.

FLOODWAY ENCROACHMENT LINES – The lines marking the limits of floodways on official Federal, State and local flood plain maps.

FLOOR AREA OF A BUILDING – The sum of the gross horizontal areas of the several floors of a building and its accessory building on the same lot, excluding non-habitable basement floor areas, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, GROSS – The sum of the gross horizontal area of the floors of a building or structure, measured from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings. Any space where the floor-to-ceiling height is less than five feet is excluded from the floor area.

FLOOR AREA, HABITABLE – The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, hallways, stairways, cellars, bathrooms, but not including unheated areas such as enclosed porches. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

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FLOOR AREA, NET – The total of all floor areas of a building, excluding stairwells, hallways, elevator shafts, equipment and utility rooms, interior vehicular parking or loading areas and all floors below the first or ground floor, except when intended to be used for human habitation or service to the public.

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

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

FUNERAL HOME – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, including the sale of funeral equipment as an accessory activity.

GARAGE OR YARD SALE – A sale of personal possessions conducted by an individual, group, or organization generally conducted in a residential garage or yard for a day or weekend; in the case of an organization or group the sale may be conducted in public or non-profit property.

GOLF COURSE – A tract of land laid out for a least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelters, maintenance and storage facilities, and a driving range.

GROUP HOME – A dwelling inhabited by handicapped persons as identified and provided for by the Fair Housing Act. This definition does not include persons occupying a hotel, dormitory, fraternity, sorority, lodge, halfway house, boarding house or institution. They are allowed wherever single-family homes are permitted.

HANDICAPPED – With respect to a person, a physical or mental impairment, as hereinafter defined, which substantially limits one (1) or more major life activities; a record of such impairment; or being regarded as having such an impairment. This term does not include current, illegal use of or addition to a controlled substance, as that term is defined in federal and state law for the purpose of these guidelines, an individual shall not be considered to have a handicap solely because that individual is a transvestite or because of that individual's sexual preference, sexual activities or sexual proclivities.

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HEALTH AND FITNESS CLUB – A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HOME OCCUPATION – A small, individual owned business that typically functions without altering the residential character of the neighborhood and which does not create any negative impacts on the public health, safety and general welfare of the adjacent property owners. Includes specialty, unique and/or personalized goods or products, original fine arts and crafts or antiques offered for sale in a portion of a residence. Items may be produced on- or off- site and displayed for viewing and/or purchase.

HOMEOWNERS' ASSOCIATION – An organization of property owners within a development established for the ownership, administration and maintenance of the common open space within the development.

HOSPITAL – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL – A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use or where no kitchen and/or dining facilities are provided.

IMPERVIOUS SURFACE – Any material, structure or coverage that prevents the absorption of stormwater into the ground.

INTERIOR DRIVE – Any on-site vehicular movement lane(s) that is associated with a use other than a single-family dwelling.

JUNK – Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

JUNKYARD – A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of junk as defined herein.

KENNEL – A state-licensed facility through the Department of Agriculture containing indoor and outdoor housing facilities for dogs and other household pets in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised.

LAND DEVELOPMENT – Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
2. A subdivision of land, except:

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- a. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
- b. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- c. The addition or conversion of building or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used primarily as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

LIGHTING – The following definitions shall apply to the artificial illumination of areas of parcels and/or buildings

1. Foot-candle – A unit of light intensity stated in lumens per square foot and measurable with an luminance meter, a.k.a. foot-candle or light meter.
2. Glare – The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.
3. Light Trespass – Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.
4. Luminance – The physical and measurable quantity corresponding to the brightness of a surface (e.g., a lamp, luminaries, reflecting material) in a specific area. And measurable with a luminance meter.

LANDSCAPE SCREEN – A completely planted visual barrier composed of evergreen shrubs and trees arranged to form both a low-level and a high-level screen.

LANDSCAPE STRIP – A linear land area of a lot covered by lawns, trees, plants and other natural material and decorative features; such as: sculptures, walks, fountains and wading pools.

LOADING SPACE – An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LONG-TERM CARE NURSING CENTERS – A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services 24 hours a day and 7 days a week to individuals who do not require more intensive hospital-based care.

LOT – A parcel of land that is a lot of record held in single and separate ownership from adjacent land at the time of enactment of this Ordinance and is separately described by a metes and bounds description which is recorded in the Office of the Recorder of Deeds of York County by deed description or is described by an approved subdivision plan recorded in the Office of the Recorder of Deeds of York County.

1. Corner Lot: A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines. Corner lots shall have two front yards, one side and one rear yard.
2. Interior Lot: A lot other than a corner lot, the sides of which do not abut a street.
3. Through Lot: An interior lot having frontage on two parallel or approximately parallel streets.

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LOT AREA – The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE – A percentage of the lot area, which may be covered with an impervious surface (e.g., buildings, access drives, parking area, sidewalks).

LOT DEPTH – The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT WIDTH – The horizontal distance measured between side property lines at the front setback line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line.

MANURE – The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITIES – A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follow: underground storage, in ground storage, earthen bank, stacking area, and aboveground storage.

MAXIMUM FLOOD ELEVATION – The water surface elevations of a flood, which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL – The average height of the sea for all stages of the tide, using the national Geodetic Vertical Datum of 1929.

MEDICAL OR DENTAL PRACTICE/CLINIC – Any building or group of buildings occupied by licensed medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

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

MOTEL – A facility which provides lodging to boarders for compensation, which contains rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

MOTOR VEHICLE REPAIR SERVICE STATION – An establishment where repairs, improvements, and installation of parts and accessories for motor vehicles are conducted that involves work that is more intense in character than work permitted under the definition of automobile filling station. A repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions.

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

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NONCONFORMING LOT – A lot the area or extent of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zone in which it is located by reasons of such adoption or amendment.

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

NONCONFORMING USE – A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment.

NONCONFORMITY, DIMENSIONAL – Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NURSING, REST OR RETIREMENT HOMES – Facilities designed for the housing, boarding, and dining associated with some level of nursing care. These may include continuing care retirement communities, long-term care and personal care centers, as defined herein.

OBSTRUCTION – Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area;

1. Which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water;
2. Which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE – A place where the primary use is conducting the affairs of a business, professional, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or delivery of any materials, goods, or products, which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

ON-SITE SEWER SERVICE – The disposal of sewage generated by one principal use within the confines of the lot on which the use is located or on a easement in a common open space area in a conservation subdivision, as approved by the Pennsylvania Department of Environmental Resources.

ON-SITE WATER SERVICE – The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

OPEN HOUSE – An event conducted as part of an attempt to sell or lease a property, whereby the property is open for public inspection. A paid advertisement in the local media and the onsite supervision by the property owner or his/her agent is required.

OPEN SPACE – A space unoccupied by structures or paved surface and open to the sky on the same lot with the structure.

OPEN SPACE, COMMON OR PUBLIC – A parcel or parcels of land, an area of water, or a combination of land and water, within a development designed and intended for the use of all residents of the

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development (common open space) or the general public (public open space), not including streets and walkways, off-street parking areas, areas with no public accessibility, setbacks, and areas at other than ground level. Open space areas may include floodplains and drainage basins. Common or public open space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by the residents or the general public and provided for in the district regulations.

OVERLAY DISTRICT – A zoning district that encompasses one or more underlying zones and deals with special situations specified in the district regulations. The overlay district imposes additional requirements above that required by the underlying district.

PA DEP – Pennsylvania Department of Environmental Protection, or such Department or Departments as may in the future succeed it.

PARKING LOT – A primary or accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements of this Ordinance.

PARKING SPACE – An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS, PRIVATE – A recreational facility owned or operated by a nonpublic agency and/or conducted as a private gainful business.

PARKS, PUBLIC AND/ OR NONPROFIT – Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/ authority, or (2) are operated on a nonprofit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses and amusement arcades.

PennDOT – Pennsylvania Department of Transportation, or such Department or Departments as may in the future succeed it.

PERSON – An individual, corporation, partnership, association, or any other entity.

PERSONAL CARE HOME – A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. A halfway house is not a personal care home.

PERSONAL CARE CENTER – A personal care home, that requires a building larger than a single-family residential unit to accommodate the number of residents served and special and accessory commercial services provided, often called an assisted-living center. The personal care center may be a stand-alone facility or may be part of a continuing care retirement community.

PERSONAL SERVICES – A small business provided in a total service area of less than 3,600 square feet including but not limited to barber, beauty tanning and health salons, tailors, and repair shops, excluding adult-related facilities.

PESTICIDE – Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT – Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as sludge, as oil refuse, or mixed with other wastes.

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PHYSICAL OR MENTAL IMPAIRMENT – An impairment including the following disorders: (1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine. (2) Any mental or psychological disorder including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (3) Any physical disorder including, but not limited to, diseases and conditions including orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HM disease, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

PLACES OF WORSHIP – Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If such use is primarily residential in nature, it shall be regulated under the appropriate dwelling type.

PLANNED CENTER – A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit.

PREMISES – The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessarily or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

1. Any land, which is not, used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity, and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership;
2. Any land, which is used for, or devoted to, a separate purpose unrelated to the advertised activity;
3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land, which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRIME AGRICULTURAL LAND – Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture's Natural Resource and Conservation Services York County Soil Survey.

PRINCIPAL USE – The primary or predominant use of any lot or parcel.

PROFESSIONAL OFFICE – An establishment for professional, executive and administrative offices which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers, and miscellaneous consulting services. Also included are offices of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker.

PUBLIC - Owned, operated, or controlled by a governmental agency (Federal, State, or Local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

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PUBLIC HEARING – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and subsequent amendments.

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

PUBLIC SEWER – A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users. Such systems may be privately owned and managed.

PUBLIC USES – Includes public and semi-public uses for the betterment of the community's welfare and educational nature, such as educational institutions, parks, fire stations, municipal buildings-and garages.

PUBLIC UTILITIES – Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy, cable or telephone service.

PUBLIC WATER – A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users. Such systems may be privately owned and managed.

QUARRY – A place where rock, ore, stone, and similar materials are excavated for sale or for off-tract use.

RADIOACTIVE MATERIAL – Any natural or artificially produced substance, which emits radiation spontaneously.

RECYCLING COLLECTION FACILITIES – An incidental use that serves as a public or private drop-off point for the temporary storage of recyclables.

REGARDED AS HAVING AN IMPAIRMENT – Regarded as having one (1) of the following impairments: (1) A physical or mental impairment that does not substantially limit one (1) or more major life activities but that is treated by another person as constituting a limitation. (2) A physical or mental impairment that substantially limits one (1) or more major life activities only as a result of the attitudes of others toward such impairment. (3) None of the impairments defined in "physical or mental impairment" of this definition but is treated by another person as having such impairment.

REHABILITATION CENTER (TREATMENT CENTER) – A professionally supervised care and related medical and other health services facility provided for people who are recovering from addictions (alcohol, drug, etc.) that are not in need of hospitalization due to physical trauma.

RESIDENTIAL CONVERSIONS – The conversion of a one-unit residential structure into two (2) or more residential or non-residential units or a combination of the both. A residential conversion can also apply to the conversion of a non-residential structure into a residential living unit.

RESTAURANT – An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carryout service does not exceed five (5) percent of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

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RETAIL STORE/SALES – Retail stores are those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related facilities.

RIDING STABLES AND EQUESTRIAN CENTERS – A commercial establishment devoted to horses and any of the following activities: boarding, instructing, showing and riding.

RIGHT-OF-WAY – A corridor of owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, railroad, utilities, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also Street Line.).

RURAL OCCUPATION – A rural occupation is defined as a business or employees of a business that is located outside of the built-up section of the Borough where public water and sewer service are generally not available. Examples of rural businesses are: forestry, agricultural, equestrian, recreational sports retail and rental services, woodworking/sawmill shops, roadside produce stands, landscaping businesses, Christmas tree farming, and other horticultural-oriented businesses.

SATELLITE DISH ANTENNA – A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrial and/or orbital-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

STREETSIDE – The side of the building to which the front entrance faces a street.

EDUCATIONAL INSTITUTION – A principal use in which supervised education or instruction is offered.

SETBACK – The required horizontal distance between a setback line and a property or street right-of-way line.

1. **Setback, Front:** The distance between the street line and the front setback line projected the full width of the lot.
2. **Setback, Rear:** The distance between the rear lot line and the rear setback line projected the full width of the lot.
3. **Setback, Side:** The distance between the side lot line and the side setback line projected from the front yard to the rear yard.

SETBACK LINE – A line within a property and parallel to a property line or street line which delineates the required area for building and structures.

SHOOTING RANGE – A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross bows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SIGN – A device for visual communication that is used to bring the subject to the attention of the public. Signs do include lettering, logos, trademarks, or other symbols which are an integral part of the architectural design of a building, which are applied to a building, or which are located elsewhere on the premises; signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia of governments or government agencies; banners, streamers, pennants, spinners, reflectors, ribbons, tinsel, and similar materials; and inflatable objects. Signs do not include architectural features which may be identified with a particular business; signs within a building which are obviously intended to be seen

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primarily from within the building; flags of governments or government agencies; and displays of merchandise either behind store windows or outdoors. The following definitions relate to signs:

1. **Billboard:** An off-premise, permanent sign, which directs attention to a product, service, business, or cause.
2. **Building Sign:** A sign attached to or painted on a building, which has a use in addition to supporting the sign; this includes wall signs and roof signs.
3. **Business Sign:** A sign, which directs attention to any business, professional, or commercial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see "Center Sign".)
4. **Center Sign:** A business sign, which provides identification at the entrance to a center, such as a shopping center, office complex; or commercial park.
5. **Contractor Sign:** A temporary sign which carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.
6. **Development Sign:** An identification sign at the entrance to a residential development.
7. **Election Sign:** A temporary sign, which directs attention to a candidate or candidates for public office, a political party, or a ballot issue.
8. **Freestanding Sign:** A permanent sign not attached to or painted on a building or structure, which has no use in addition to supporting the sign.
9. **Garage/Yard Sale Sign:** A temporary sign which directs attention to the sale of personal goods on the premises on which the sign is located.
10. **Government Sign:** An off-premise sign placed by a governmental unit, such as traffic, directional, informational, or street name sign, or an historical marker.
11. **Home Occupation Sign:** A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.
12. **Identification Sign:** A sign used to identify the name and display information about the individual, organization, agency, institution, facility, or development located on the premises on which the sign is located, but not including a business sign. (Also see "Development Sign" and "Public Use Sign".)
13. **Incidental Sign:** An informational sign, no more than two (2) square feet in size and not including any commercial message or logo, which carries a message, such as "enter," "open," "telephone," "rest rooms," "no parking," "no trespassing," "warning," a listing of hours when open, an on-site direction, or anything similar.
14. **Nonprofit Organization Sign:** An off-premise sign displaying information about a church, service club, or other organization, which does not operate for the purpose of making a profit.
15. **Off-Premise Sign:** A sign that does not apply to the property on which it is displayed.
16. **On-Premise Sign:** A sign that applies to the property on which it is displayed.
17. **Open House Sign:** A temporary sign which provides information about a real estate open house, including the words "Open House," the day and time of the open house, and the name of the realtor.
18. **Overhead Projecting Sign:** A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.
19. **Permanent Sign:** A sign intended to be displayed for an unlimited period of time.
20. **Public Use Sign:** An identification sign used to identify the name and display information about a public use, such as a government building, educational institution, park, firehouse, or church.
21. **Public Utility Sign:** A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g., an electric company, sewer authority, or telephone company.)
22. **Real Estate Sign:** A temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental, or property available for or in the process of development, but not including an open house sign.
23. **Roof Sign:** A sign attached to or painted on a roof.
24. **Sidewalk Sign:** A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage/yard sale sign, a home occupation sign, an open house sign, a real estate sign, or a special event sign.

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25. Special Event Sign: A temporary sign which carries information about a special event, such as an auction, flea market, festival, carnival, meal, or fund-raising event, but not including any business sign, such as a "sale" sign at a store.
26. Temporary Sign: A sign intended to be displayed for a limited period of time.
27. Window Display: An exhibit behind a window, which is intended to draw attention to a product, service, business, or cause.

SKILLED OR INTERMEDIATE NURSING CARE – Professionally supervised nursing care and related medical and other health services provided for a period exceeding twenty four (24) hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

SOIL SURVEY – The latest published version of the United States Department of Agriculture's Soil Survey for York County, Pennsylvania.

SOLID WASTE – Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

SOLID WASTE FACILITY – A disposal site licensed by the Commonwealth in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

SPECIAL EXCEPTION – A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with this Ordinance.

STREAM – Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

STREET – Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way used, whether private or public, or intended to be used by vehicular traffic.

STREET CENTERLINE – The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STREET LINE (Right-of-Way Line) – A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREET TREES – Trees planted within the tree lawns.

STRUCTURE – Any man made object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

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SWIMMING POOL – Any pool, permanently constructed for leisure swimming not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half feet (1 ½'). Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN – An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board without live entertainment.

TREATMENT CENTERS – This term shall mean a use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

1. Criminal rehabilitation, such as a criminal halfway house;
2. Current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
3. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

Also, a group home that exceeds the number of residents allowed by this chapter shall be regulated as a treatment center, unless approved otherwise.

TREE LAWNS – A designed corridor of land along a street between the street curb and an existing or proposed building usually including trees planted at regular intervals.

TRAVEL TRAILER – A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a "travel trailer":

1. The unit is of such size or weight as not to require special highway movement permits from the Pennsylvania Department of Transportation when self propelled, or when hauled by a standard motor vehicle on a highway.
2. The unit is mounted or designed to be mounted on wheels.
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck.
4. The unit contains, or was designed to contain, temporary storage of water and sewage.
5. The unit contains some identification by the manufacturer as a travel trailer.

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

USE AND OCCUPANCY PERMIT – A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning/building permit and the Zoning Ordinance.

VARIANCE – A waiver or change of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

VETERINARIAN'S OFFICE – A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl.

WATERCOURSE – A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial

WATERSHED – All the land from which water drains into a particular watercourse.

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

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YARD – An open area between a building setback line and the adjoining lot lines or right-of-way which may not be occupied or obstructed by a portion of any structure, except as is specifically permitted by this Ordinance.

1. **Yard, Front:** The area contained between the street right-of-way line and the front setback line. On corner lots, there shall be two (2) front yards, being the area contained between the street right-of-way lines and the principal structure.
2. **Yard, Rear:** The area contained between the rear property line and the rear setback line. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address.
3. **Yard, Side:** The area(s) between the side property line and the side setback line. On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s).

ZONING – The designation of specified districts within the Borough, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER – The duly constituted municipal official designated to administer and enforce this ordinance in accordance with its literal terms.

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ARTICLE 2 ZONING REGULATIONS

200. Rural Conservation Zone (RC)

A. Purpose.

The Rural Conservation (RC) Zone seeks to protect environmentally sensitive areas and preserve green contiguous open spaces of the Borough that also have significant value for human and natural life. Specifically, forested areas, steep slopes, stream and creek valleys, lakes and floodplains are included. Permitted uses within this Zone encourage the most appropriate conservation/recreation activities for these areas. The Zone intent is to use a conservation subdivision design approach to conserve large contiguous tracts of land that prioritize conserving environmentally sensitive areas. The Borough hereby promotes conservation minded housing development concepts that utilize cluster design dwelling unit layout.

B. Permitted Uses:

1. Agriculture.
2. Community Center (or other public buildings). (405)
3. No-impact Home-based Business. (418)
4. Passive or Active Recreation Park or Other Preserved Open Space Area. (419)
5. Public Uses. (422)

C. Site Requirements:

1. No more than one principal use shall be allowed on each lot.

D. Lot Area and Dimensional Requirements

1. Lot dimension requirements:

- a. Minimum lot size: Two (2) acres.
- b. Minimum lot width: One hundred and fifty (150') feet.
- c. Maximum lot coverage: Twenty-five percent (25%)
- d. Seventy-five percent (75%) of the lot area shall be maintained in vegetative cover, or woodlands, and or landscaping materials.
- e. Lot size and width adjustments: In accordance with Franklinton Borough Sewage Enforcement Officer's analysis of soil percolation tests, the minimum lot size and width shall be increased to accommodate an approvable on-lot sewage system. (When available, public sewer must be used.)

2. Setback requirements.

- a. Front yard: Twenty (20) feet.
- b. Side yard: Ten (10) feet.
- c. Rear yard: Twenty (20) feet.
- d. All wells shall be set back from any property line a minimum of ten (10) feet.

E. Maximum Permitted Height (excluding communication antennas):

1. Principle structures: Thirty-six (36) feet.
2. Accessory structures: Twenty (20) feet.
3. Agricultural Structures: Fifty (50) feet provided all structures are set back a distance at least equal to their height from all property lines.

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- F. Sharing of the access drives and storm water management and parking facilities are encouraged with the appropriate maintenance agreements established at the time of land development.
- G. Sign Requirements: Signs shall be permitted in accordance with this Ordinance.
- H. Agricultural Nuisance Disclaimer. Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.
- I. General regulations.
 - 1. In addition to the Zone regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Borough.

201. Village Zone (V)

- A. Purpose.

The Village (V) Zone recognizes and seeks to protect the existing residential and commercial development patterns which have occurred in and around the Borough of Franklinton. The Borough intends to allow similar growth and development to occur in the areas within the sewer service of the Borough. The Village Zone will exclude incompatible nonresidential uses from locating in this zone.
- B. Permitted Uses:
 - 1. Agriculture.
 - 2. Conversion apartment. (407)
 - 3. Joint Use Driveway.
 - 4. Multifamily Dwellings.
 - 5. No-impact Home-based Business. (418)
 - 6. Passive or Active Recreation Park or Other Preserved Open Space Area. (419)
 - 7. Public Uses. (422)
 - 8. Townhouses. (425)
 - 9. Two Family Dwelling.
 - 10. Mixed Use Buildings containing residential uses within a multi-story building. Residential uses must be located on second or higher stories of a building provided that:
 - a. Such first floor business, uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
 - 1. There shall be no manufacturing, compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and when all such products are sold at retail on the premises.
 - 2. There is a separate entrance for all residential tenants. If located on Baltimore Street, at least one residential entrance shall face Front Street.
 - 3. Illuminated business signs shall not emit light into residential units.
 - 4. Designated on or off-site parking spaces are provided.

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C. Conditional Uses:

1. Animal Hospitals, Veterinarian Uses, and Other Related Accessory Uses. (403)
2. Educational Institutions. (410)
3. Home occupation. (408)
4. Medical or Dental Practice/Clinic. (416)
5. Motor Vehicle Repair Service Station. (417)
6. Professional Office. (421)
7. Treatment Centers. (426)

D. Special Exception Uses:

1. Accessory Apartment. (400)
2. Adult or Child Day-Care or Nursery School. (401)
3. Amusement Arcade. (402)
4. Bed and Breakfast Inn. (404)
5. Convenience Store (Including Fuel Sales and Vehicle Fueling Stations. (406)
6. Dry Cleaners, Laundries and Laundromats. (409)
7. Farm Market. (411)
8. Financial Institutions. (412)
9. Funeral Homes, Mortuaries and Crematoriums. (413)
10. Health and Fitness Clubs. (414)
11. Personal Services.
12. Places of Worship. (420)
13. Restaurants (Eating Establishment). (423)
14. Retail Sales.
15. Tavern. (424)
16. Two Family Conversions.

Uses designated as Special Exception are reviewed by the Franklinton Borough Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Franklinton's Borough Council.

All uses are permitted by right, conditional uses or special exception uses in this zone and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

E. Site Requirements:

1. No more than one principal use shall be allowed on each lot.

F. Lot Area and Dimensional Requirements

1. Maximum density:
 - a. One (1) dwelling unit or nonresidential use per eight thousand (8,000) square feet.
2. Lot dimension requirements:
 - a. Minimum lot size:
 1. Lots served by both public water and public sewer:
 - a. Single-Family Detached Dwelling: Ten Thousand (10,000) square feet.
 - b. Single-Family Semi-Detached: Eight Thousand (8,000) square feet.
 - c. Multifamily dwellings: Five Thousand (5,000) square feet.

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- d. Duplex (two-family, single-family semi-attached): Four Thousand (4,000) square feet.
 - e. Non-Residential Uses: Ten Thousand (10,000) square feet.
2. Lots served by public water or public sewer:
 - a. Single-Family Detached Dwelling: Twenty Five Thousand (25,000) square feet.
 - b. Single-Family Semi-Detached: Not Permitted.
 - c. Multifamily dwellings: Not Permitted.
 - d. Duplex (two-family, single-family semi-attached): Not Permitted.
 - e. Non-Residential Uses: Twenty Five Thousand (25,000) square feet.
- b. Minimum lot width:
 1. Lots served by both public water and public sewer:
 - a. Single-Family Detached Dwelling: Eighty (80) feet.
 - b. Single-Family Semi-Detached: Sixty (60) feet.
 - c. Multifamily dwellings: Forty Five (45) feet.
 - d. Duplex (two-family, single-family semi-attached): Twenty (20) feet (Interior Unit).
Forty (40) feet (Corner Unit).
 - e. Non-Residential Uses: Eighty Five (85) feet.
 2. Lots served by public water or public sewer:
 - a. Single-Family Detached Dwelling: One Hundred (100) feet.
 - b. Single-Family Semi-Detached: Not Permitted.
 - c. Multifamily dwellings: Not Permitted.
 - d. Duplex (two-family, single-family semi-attached): Not Permitted.
 - e. Non-Residential Uses: Ninety (90) feet.
2. Maximum lot coverage:
 - a. Residential: Seventy percent (70%)
 - b. Nonresidential: Eighty percent (80%)
 - d. Twenty percent (20%) of the lot area shall be maintained in vegetative cover or landscaping materials.
 - e. Lot size and width adjustments: In accordance with Franklinton Borough Sewage Enforcement Officer's analysis of soil percolation tests, the minimum lot size and width shall be increased to accommodate an approvable on-lot sewage system.
3. Setback requirements.
 - a. Front yard: Ten (10) feet.
 - b. Side yard: Five (5) feet.
 - c. Rear yard: Twenty (20) feet.
 - d. All wells shall be set back from any property line a minimum of five (5) feet.
- G. Maximum Permitted Height:
1. Principle structures: Thirty-six (36) feet.
 2. Accessory structures: Twenty (20) feet.
- H. Sharing of the access drives and storm water management and parking facilities are encouraged with the appropriate maintenance agreements established at the time of land development.

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- I. Sign Requirements: Signs shall be permitted in accordance with this Ordinance.
- J. Agricultural Nuisance Disclaimer. Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.
- K. General regulations.
 - 1. In addition to the Zone regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Borough.

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ARTICLE 3 GENERAL

300. Purpose.

The regulations set forth by this Article shall be minimum regulations and shall apply uniformly to each class of land use or kind of structure, except as provided herein.

301. Accessory Uses and Structures.

A. Fences and Walls – The following regulations shall apply to fences and walls.

1. No fence or wall (except residential properties abutting nonresidential uses or districts, agricultural fences, required junkyard, antennas, or tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than six feet (6') in a front yard and the side yard back to the beginning of an erected structure and no more than ten feet (10') in the remaining other yards.
2. No fence shall block motorist view of vehicles entering or exiting the property (clear sight triangle).
3. No electric fence shall be permitted on a principal residential lot, unless the residence is part of a farm. (Underground, domestic pet control fences are permitted.)

B. Garage/Yard Sales – The following regulations shall apply to garage and yard sales.

1. Within any zone, an owner and/or occupant may conduct up to four (4) garage/yard sales per year.
2. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days.
3. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted.
4. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way.
5. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.
6. All signs must be removed within forty-eight (48) hours following the end of sales.

C. Man-Made Lakes, Dams, and Impoundments – The following regulations shall apply to man-made lakes, dams, and impoundments.

1. Lakes, dams, ponds and impoundments may be permitted in any zone.
2. Lakes, dams, ponds, and impoundments located along and connected to a stream shall require a permit from the Pennsylvania Department of Environmental Protection (PA DEP), Bureau of Dams and Waterways Division of Dam Safety; or a letter indicating that the proposed use does not require a PA DEP permit.

D. Manure Storage Facilities – The following regulations shall apply to manure storage facilities:

1. All manure storage facilities shall be designed in compliance with the regulations established pursuant to the Agriculture, Community and Rural Environment Act (AACRE) Act 38 of 1005, of July 6, 2005, and the guidelines set forth in Manure Management for Environment Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environment Protection.
2. All manure waste storage facilities' designs shall be reviewed by the York County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility to the Borough Council.
3. Construction and subsequent operation of the manure waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the notification to the Borough Council and the York County Conservation District.

E. Ornamental Ponds and Wading Pools – The following regulations shall apply to ornamental ponds and wading pools (not including swimming pools).

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1. Such structures shall comply with all accessory use setbacks.
2. No such impoundment shall contain more than 450 cubic feet of water. All ponds, pools or other impoundments, exceeding the requirements of this section, shall be considered as "Man-made Lakes, Dams and Impoundment" and are subject to the criteria listed in this Ordinance.
3. No such pond or pool shall have a length or diameter exceeding fifteen feet (15') nor a maximum depth exceeding two feet (2').
4. All such ponds or pools shall be maintained so to not pose a nuisance by reason of odor, or the harboring of insects.
5. No such pond or pool shall be used for the commercial hatching of fish or other species.
6. All Ornamental Ponds and Wading Pools shall comply with the Water Supply Management Regulations of the State of Pennsylvania.

F. Swimming Pools – The following regulations shall apply to swimming pools.

1. No permanent swimming pool shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent.
2. All swimming pools shall be completely enclosed by a minimum four (4') foot high fence or wall with no openings or holes greater than four inches (4") with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four feet (4') in height and having a retractable ladder.
3. Such fence or wall shall be erected before any pool is filled with water.
4. All pools must be set back at least ten feet (10') from all lot lines.
5. These requirements shall not apply to man-made ponds, lakes or other impoundments unless the primary purpose for their construction is swimming.

G. Tennis Courts – The following regulations shall apply to tennis courts.

1. All tennis courts shall include an open mesh permanent fence ten feet (10') in height behind each baseline.
2. Such fence shall extend parallel to said baseline at least ten feet (10') beyond the court's playing surface unless the entire court is enclosed.
3. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property and according to lighting regulations of this ordinance.

302. Unenclosed Storage and Dumpsters.

- A. Recreational Vehicles, Boats, Campers, Trailers and Trucks – In any residentially used/zoned tract, no boats, campers, recreational vehicles, trailers, (except personal pickup truck), shall be stored within any front yard, unless located within a access drive.
- B. Trash, Garbage, Refuse or Junk – The outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited.
- C. Outdoor Storage – Commercial outdoor storage is permitted provided all outdoor storage areas are screened and the outdoor storage area comply with the setbacks and buffer yard requirements.
- D. Waste Products – Dumpsters may be permitted within the side or rear yard. All dumpsters shall be set back a minimum of twenty feet (20') from any adjoining residentially zoned or used properties. All waste receptacles shall be completely enclosed; also, receptacles must be emptied and cleaned a minimum of once every thirty (30) days.

303. Setback Modifications.

- A. Where at least two separate tracts are improved with buildings located within one hundred feet (100') of the property line of an unimproved tract, and the buildings on those tracts are set back a distance less than that required by this Ordinance, the building to be constructed on the unimproved tract may be set back the average of the distances such existing buildings are set back.
- B. Accessory or Appurtenant Structures – The setback regulations do not apply to:
 1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to decks, porches and patios whether covered or not.
 2. Open fire escapes.

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3. Minor public utility structures, articles of ornamentation or decoration.
4. Fences, hedges and retaining walls.

304. Height Limit Exceptions.

- A. The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line.
 1. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, school gymnasiums, school auditoriums.
 2. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.
 3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roofline.
- B. In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for residential and commercial purposes.

305. Corner Lots.

- A. A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts. A side yard and a rear yard are required for the remaining two property lines.
- B. Sight distance at intersections shall be observed in accordance with the Franklinton Borough Subdivision and Land Development Ordinance.

306. Minimum Habitable Floor Area.

- A. All dwelling units must conform to the following minimum habitable floor area with the exception of mobile homes constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976, as amended:
 1. Efficiency Unit 450 square feet
 2. One Bedroom Unit 500 square feet
 3. Two Bedroom Unit 750 square feet
 4. Three Bedroom Unit 900 square feet
 5. Four Bedroom Unit 1000 square feet
 6. For five or more bedrooms, an additional 125 square feet per bedroom.
 7. The minimum habitable floor area for units within lodging establishments for transients shall be two hundred (200) square feet for each room used for sleeping purposes.

307. Required Vehicular Access.

- A. Every building hereafter erected or moved shall be on a lot adjacent to a public street or an approved private street. Approved access shall be in accordance with the Subdivision and Land Development Ordinance of Franklinton Borough, as may be amended from time to time. Access to all lots containing single-family dwellings shall be via access drives; access to lots containing other uses shall be via access drives. Sharing of access is encouraged.

308. Access drive Requirements (Residential Dwelling).

The following regulations apply to residential access drives in addition to the regulations of the Franklinton Borough Subdivision and Land Development Ordinance.

- A. Number Per Lot – No more than one (1) access drive connection per lot shall be permitted.
- B. Setbacks – Access drives shall not connect with a public street within five (5) feet of a fire hydrant nor within three (3) feet of adjoining lot lines.
- C. Road Classification – Access drive access shall be provided to the street of lesser classification when there is more than one (1) street classification as defined in the Franklinton Borough Subdivision and Land Development Ordinance.

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- D. Access drive Width – No access drive shall provide a curb cut less than ten (10) feet or exceeding twenty (20) feet in width.
- E. PennDOT Permit – Any proposed access drive intersecting with a State-owned road will require a access drive permit from the Pennsylvania Department of Transportation.
- F. Borough Permit – Any proposed access drive intersecting with a Borough road will require a access drive permit from the Borough.
- G. Drainage – Access drives shall not be constructed in a manner to be inconsistent with the design, maintenance, and drainage of the street.
- H. Clear-Sight Triangle – Access drives shall be located and constructed so that a clear-sight triangle of seventy-five (75) feet as measured along the street centerline and along the access drive centerline is maintained, no permanent obstructions and/or plant materials over three (3) feet high shall be placed within this area.

309. Access Drive Requirements (Nonresidential Uses, Excluding Farm Field Access).

- A. Number Per Lot – No more than two (2) access drive connections per lot shall be permitted.
- B. Setbacks – All access drives shall be set back at least:
 - 1. One hundred (100) feet from the intersection of any street right-of-way.
 - 2. One hundred (100) feet from any other access drive located upon the same lot (measured from cartway edges).
 - 3. Fifteen (15) feet from any side and/or rear property lines; however, this setback is not required along one property line when a joint parking lot is shared by adjoining owners.
- C. Clear-Sight Triangle – Access drives shall be located and constructed so that a clear-sight triangle of one hundred (100) feet as measured along the street centerline and along the access drive centerline is maintained, no permanent obstructions and/or plant materials over three (3) feet high shall be placed within this area.
- D. Slope – Access drives shall not exceed a slope of four (4) percent within forty (40) feet of the intersecting street centerline.
- E. Access drive Width – Access drives shall provide a twelve (12) feet wide cartway for each lane of travel. However, in no case shall any access drive cartway be less than eighteen (18) feet wide, if it provides for truck movement between the public right-of-way and any required off street loading spaces as regulated by this Ordinance. See below for further explanation.

Use	Number of Lanes	Direction of Travel	Required Access Drive Width
Automobiles Only	1	One Way	12 Feet
Automobiles Only	2	One or Two Way	24 Feet
Automobiles Only	3 or more	One or Two Way	12 Feet Per Lane
Automobiles and Trucks	1	One Way	18 Feet
Automobiles and Trucks	2	One or Two Way	24 Feet
Automobiles and Trucks	3 or more	One or Two Way	12 Feet Per Lane

- F. Borough Permit – Any proposed access drive intersecting with a Borough road will require a access drive permit from the Borough.
- G. PennDOT Permit – Any proposed access drive intersecting with a State-owned road will require a access drive permit from the Pennsylvania Department of Transportation.

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310. Off-Street Parking Requirements.

- A. Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or pursuit of any use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
1. A building is constructed or a new use is established;
 2. The use of an existing building is changed to a use requiring more parking facilities; or,
 3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- B. Parking for Single Family Detached Dwellings – Every single family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or access drives. Additional regulations pertaining to access drives are contained in this Ordinance. The remaining regulations contained in this section do not apply to off-street parking facilities serving one single family dwelling.
- C. Site Plan Approval:
1. Each application for a zoning/building permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below.
 2. No zoning/building permit shall be issued for any use for which parking spaces are required unless the land development plan has been approved or necessary variances have been obtained.
- D. Surfacing – All parking lots shall be constructed and maintained with concrete or bituminous paving material approved by the Zoning Officer based on the recommendation of the Borough Engineer.
- E. Separation from Streets and Sidewalks – Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards, or walkways. Parking areas shall be placed on the side or rear of the lot.
- F. Drainage – Parking lots shall be graded to a minimum slope of one (1) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge water in accordance with a plan to be approved by the Borough Engineer.
- G. Parking Space Sizes – The following lists required minimum space sizes in feet:
1. Parallel 23 feet by 10 feet
 2. Non-parallel 20 feet by 10 feet
- H. Design Standards For Handicapped Parking Spaces:
1. Handicapped parking spaces shall be provided in accordance with the provision of the American Disability Act of 1990, as amended.
 2. Spaces shall be required in accordance with the following schedule:

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Total Parking Spaces	Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 % of total
1,001 and over	20 plus 1 for each 100 over 1,000

I. Interior Drive Widths:

Interior or drives between rows of parking spaces shall have the minimum widths indicated in the following table. Interior drives in areas where there is no parking permitted shall be at least eleven (11) feet wide for each lane of traffic.

Angle of Parking	Width in Access drive in Feet One-way Traffic	Width of Access drive in Feet Two-way Traffic
90 degrees	25	25
60 degrees	20	22
45 degrees	18	22
30 degrees	11	22
Parallel	11	22

J. Marking of Parking Spaces and Interior Drives – All paved parking lots shall be adequately marked, hard or turfed, and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width.

K. Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.

L. All dead end parking lots shall be designed to provide sufficient back-up area for all end spaces.

M. Lighting – Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be in accordance with this ordinance.

N. Access drive Requirements – Every parking lot shall be connected to a street by means of a access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters.

O. Landscaping and Screening Requirements – The following landscaping and screening requirements shall apply to all parking lots:

1. Landscaped Strip:

- a. When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street R.O.W. line. The strip may be located within any other landscaped strip required to be located along a street.

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- b. The following lists required width of landscape strips, which shall be measured from the street R.O.W. line, or from the street side of any sidewalk, whichever is greater:

Number of Spaces in Parking Lot Including Joint Facilities	Landscape Strip Width in Feet
Less than 100	15
100 to 250	20
Over 250	25

- c. Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be set back a minimum of ten (10) feet from all property lines. Such setbacks shall be used for landscape strips.

2. Interior Landscaping:

- a. In any parking lot containing twenty (20) or more parking spaces (except a parking garage), five (5) percent of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows to break up rows of parking spaces at least every ten parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level.
- b. Parked vehicles may not overhang interior landscaped areas more than two and one-half (2 1/2) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.
- c. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

P. Speed Bumps:

1. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
2. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
3. There shall be a warning sign posted at each entrance to a parking area having speed bumps.
4. In no case shall the overall height (or depth) of speed bumps exceed three inches (3").

Q. Joint Parking Lots:

1. In all districts, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty (20) percent; however, the plan must show that the full amount of parking spaces can be placed on the land. Therefore, the resulting joint parking lot will be required to provide at least eighty (80) percent of the total number of spaces required by the sum of all of the joint parking users. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicle and each of the joint parking users. The parking area cannot be at a distance greater than six hundred (600) feet from the property line of the use.

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2. In all districts, two or more properties may share facilities provided that cross easements held in perpetually for parking are established on all such properties.
- R. Prohibited Uses of a Parking Lot – Automobile parking lots are used for business invitees and employees and not for the sale of merchandise. However, parking lots may be used for carnivals, circuses, fairs, exhibitions or other similar events, so long as they do not continue longer than seven (7) days.
- S. Schedule of Required Parking Spaces – The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use, except as provided by this ordinance.

Type of Use	Minimum of One Parking Space for Each
COMMERCIAL USES	
Motor Vehicle Repair Service Station	400 square feet of gross floor and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage and 1 per employee on major shift.
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area
Convenience stores	75 square feet of gross floor area
Restaurants (Eating Facilities)	2 seats and 1 per each 2 employees
Funeral sales	100 square feet of gross floor area, 1 per each employee, and 1 per each mobile equipment, such as hearses and ambulances.
Furniture sales	500 square feet gross floor area
Hotel, motel, tourist home	Guest sleeping room and 1 per each employee on 2nd largest shifts. (Eating Establishment (Restaurants)s and other accessory uses shall be viewed separately.)
Professional Offices	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	6 spaces per each physician or dentist, etc.
Retail store or shop (except those listed above)	200 square feet of gross floor area of display area or sales area and 1 per each employee on 2nd largest shifts.
Other commercial buildings	400 square feet of gross floor area

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Type of Use	Minimum of One Parking Space for Each
RECREATIONAL USES	
Amusement arcade	80 square feet of gross floor area
Athletic field	4 seats of spectator seating. However, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient number of spaces to serve all users of the site, and include a fence delineating such parking area.
Bowling alley, billiard room	1/4 lane/table and 1 per each 2 employees
Campgrounds	Per campsite, plus 1 per employee, plus 59% of the spaces normally required for accessory uses
Golf driving range	1 per tee and 1 per employee
Miniature golf course	1/2 per hole and 1 per employee
Riding school or horse stable	2 stalls plus 1 per every 4 seats of spectator seating
Picnic area	Per table
Skating rink	4 persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	4 persons of legal occupancy
Tennis or racquetball clubs	Per court, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Type of Use	Minimum of One Parking Space for Each
SOCIAL AND INSTITUTIONAL USES	
Auditorium, banquet, conference, and meeting facility, places of worship, theater, and other such places of public assembly	200 square feet but not less than 1space per each 4 seats
Clubs and other similar places	2 seats but not less than 100 square feet of gross floor area and 1 per each employee on 2nd largest shifts
Nursing, rest or retirement homes	3 accommodations (beds) in addition to those needed for doctors and support staff
Hospital	Spaces shall be provided for visitors, at the rate of at least 1 space per each 1.5 accommodations (beds) plus 1 space for each doctor or professional staff and 1 space for each technical or nonprofessional staff on the largest shift
Museum, art gallery, cultural center, library	400 square feet of gross floor area
Rehabilitation center (without overnight accommodations)	1 per each employee and per each 3 people anticipated to be handled through the facility
Educational institutions below grade ten including commercial daycare and kindergarten	6 students enrolled
Educational institutions, tenth grade and above	3 students enrolled
Vocational training, college, technical educational institutions and adult education facilities	1.5 students enrolled

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

311. Off-Street Loading Facilities

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

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Type Of Use	Gross Floor Area/Dwelling Units	Number Spaces Per
Hospital or other institution	First 10,000 square feet;	None
	10,000 to 1000,000 square feet	1
	Each additional 100,000 square feet (or fraction)	1
Hotel, motel or other similar lodging facilities	First 10,000 square feet;	None
	10,000 to 1000,000 square feet	1
	Each additional 100,000 square feet (or fraction)	1
Commercial	First 2,000 square feet;	None
	2,000 to 25,000 square feet;	1
	Each additional 40,000 square feet (or fraction)	1
Multi-family dwelling	Less than 100 dwelling units;	None
	100 to 300 dwelling units;	1
	each additional 200 dwelling units (or fraction)	1
Office building, including banks	First 10,000 square feet;	None
	10,000 to 100,000 square feet;	1
	Each additional 100,000 square feet (or fraction)	1
Retail sales and services per store	First 10,000 square feet;	None
	2,000 to 10,000 square feet;	1
	10,000 to 40,000 square feet;	1
	Each additional 100,000 square feet (or fraction)	1
Undertaking establishment or funeral parlor	First 3,000 square feet;	None
	3,000 to 5,000 square feet	1
	Each additional 10,000 square feet (or fraction)	1

312. Buffer, Screening and Landscaping Requirements

- A. Buffer Requirements. Franklinton Borough recognizes that the processes of development can alter natural topography and vegetation, as well as cause other negative impacts. The Borough also recognizes that development creates impervious cover, vehicular traffic, artificial light, increases in air temperature, accelerated runoff, erosion, sedimentation, glare, noise and incompatible uses of land which can negatively impact the community's ecological balance, visual character and individual, as well as, community-wide livability. The Borough intends to protect and enhance its economic base, quality of life, and community character by encouraging quality development. Recognizing that the Northern York Region Comprehensive Plan promotes the protection of health, safety and welfare of

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the public and encourages quality development, this section is adopted in order to aid and stabilize the ecological balance of the environment in the Borough - provide buffers between uses of different character and intensity; enhance the Borough's general appearance; safeguard and enhance property values; protect public and private investments; manage stormwater; conserve energy; and protect natural areas thereby providing natural habitats for wildlife.

1. Any nonresidential use adjoining a residential use shall have a minimum forty (40) foot buffer yard width requirement, unless otherwise stipulated in this Ordinance. The buffer yard shall extend the entire length or width of the property line of the adjoining lot.
 2. No buffer yard or screening is required if a lot used for nonresidential or multi-family uses abuts another lot of similar use.
 3. All buffer yards shall meet the following requirements:
 - a. No buffer yard or part thereof shall be used for parking, storage, loading and unloading.
 - b. Buffer yards may coincide within any required building setback.
 - c. Buffer yards may be crossed by access roads, service drives or easements with a maximum width of thirty-five (35') feet, provided that the centerline of road, drive or easement crosses the lot line and buffer yard at not less than seventy five (75°) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer area.
 - d. Buffer yards and screening shall extend for the entire width of the property line adjoining the residential property or district.
 - e. All screening materials and landscaping shall not encroach upon the adjoining property line at full maturity.
 4. The buffer yard for any nonresidential use separated from a residential use by a public road shall be reduced by one (1) foot for every two (2) feet of the distance between the property line for which the buffer yard is required and the center line of the public road but by not less than one-half of the original buffer.
- B. Screening and Yard Ground Cover – Any part of the site in the buffer yard and other parts of the site, which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Borough Council (e.g., grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to compliment other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.
1. Landscaping Requirements – Any required landscaping and buffer yards (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening, No less than eighty (80) percent of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required Landscape areas.
 2. For each seven hundred fifty (750) square feet of required area for landscape strips, one shade/ ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (parking lots) one shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.
 3. Screening – The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation.
 4. Selection of Plant Materials – Trees and shrubs shall be suitable for the Franklinton Borough environment. Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained.

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313. Signs

A. Statement of Purpose.

The purposes of this section are as follows:

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

B. Sign Area and Height.

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

1. Sign Area:

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

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

2. Height:

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

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

C. General Regulations.

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

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

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

D. Specific Regulations.

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

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

E. Supplemental Regulations.

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

1. Billboards:

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

2. Business Signs:

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

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3. Contractor Signs:

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

4. Garage/Yard Sale Signs:

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

5. Home Occupation Signs:

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

6. Identification Signs:

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

"Development Signs" and "Public Use Signs".

7. Development Signs:

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

8. Incidental Signs:

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

9. Nonprofit Organization Signs:

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

10. Open House Signs:

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

11. Real Estate Signs:

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

12. Sidewalk Signs:

- a. Sidewalk signs shall not be more than twenty-four (24) inches wide and forty-eight (48) inches high if placed next to the curb.

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- b. The distance between sidewalk signs shall be at least fifteen (15) feet.
- c. Minimum of four (4) feet of unobstructed walkway shall be maintained, and all sign should be removed at the close of business for the day.
- d. Sidewalk signs are not permitted in the public right-of-way(s).

13. Special Event Signs:

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

14. Election Signs:

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

F. Permitting Procedures and Fees.

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

G. Nonconforming Signs.

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

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

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TABLE 1

Permitted Signs and Sign Permit Requirements*

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

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

Type of Sign and Standards	All Zoning Districts
Part A	
Business Signs (except center signs), Home Occupation Signs, and Identification Signs (except development signs and public use signs)	
Number permitted and maximum area refer to the combined total of all kinds of sign; also see Supplement Regulations for additional standards; Business Signs, Home Occupation Signs, and Identification Signs	
Freestanding Signs	
Number Permitted Per Lot	1
Maximum Area (Sq. Ft.)	8
Maximum Height (Ft.)	6
Minimum Setback from Right-of-Way (Ft.)	10
Building Signs	
Number Permitted Per Lot	2
Maximum Total Area of All Building Signs on Lot (Sq. Ft.)	10
Total of All Signs	
Total Number of Signs Permitted per Lot	4
Maximum Total Area of All Signs on Lot (Sq. Ft.)	20
Supplemental Regulations	
Part B - Other Kinds of Signs	
See Supplemental regulations referenced in second column for additional standards; Note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.	
CENTER SIGN	313.E.2
Maximum Area (Sq. Ft.)	25
Maximum Height (Ft.)	8
Minimum Setback (Ft.)	10
Number Permitted/Center	1 per principal entrance, up to maximum of 2, except that there may be more than 2 if all entrances are at least 1,200 ft. apart.
CONTRACTOR SIGN	313.E.3
Maximum Area (Sq. Ft.)	8
Maximum Height (Ft.)	6
Minimum Setback (Ft.)	*
Number Permitted/Lot	1 per contractor
See Section for multiple signs on one lot	
DEVELOPMENT SIGN	313.E.7
Maximum Area (Sq. Ft.)	20
Maximum Height (Ft.)	6
Minimum Setback (Ft.)	10
Number Permitted/ Residential Development	1 per principle entrance up to maximum of 2

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		entrances
GARAGE/YARD SALE SIGN	313.E.4	
Maximum Height (Ft.)		6
Minimum Setback (Ft.)		5
INCIDENTAL SIGN	313.E.8	
Maximum Area (Sq. Ft.)		6
Maximum Height (Ft.)		6
Minimum Setback (Ft.)		10
Number Permitted/Lot		No limit
GOVERNMENT SIGN		Placed within rights-of-way; Generally not regulated by this Article

Zoning Districts: O – Open Space; V - Village

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

Notes: ² Area permitted on each street frontage.

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

314. Buffer Areas

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

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1. The practice or structure shall be restored to its originally state within one (1) year following the settlement of all claims or if no claims exist, from the date the practice or structure was damaged and shall continue uninterrupted, otherwise the nonconforming practice or structure status shall be void.

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

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

316. Performance Standards for all Uses

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

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

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ARTICLE 4 SPECIFIC CRITERIA

400. Accessory Apartment.

- A. One accessory apartment shall be allowed in a single-family detached dwelling unit with the following requirements:
 - 1. The appearance of the building shall remain intact.
 - 2. New entrances shall be located to the side or rear of the building.
- B. The total building coverage for the principal dwelling, any other accessory structures, and the secondary dwelling together shall not exceed the maximum lot coverage requirement for the underlying zone, where applicable.
- C. The secondary dwelling shall be occupied by a maximum of two (2) people.
- D. The secondary dwelling's utility systems may be physically connected to or totally separate from the sewage disposal and water supply and all other utilities of the principal dwelling. In either case, however, all systems must meet the requirements of the Borough Sewage Enforcement Officers and regulations of the Borough regarding sewage disposal and water supply systems, whether on-lot or public.
- E. In addition to all parking requirements for the principal dwelling, a minimum of one (1) off-street parking space, with unrestricted ingress and egress, shall be provided for the secondary dwelling.
- F. The secondary dwelling shall not be installed, located, or constructed in the front yard and shall adhere to all side yard setback requirements for principal uses.

401. Adult or Child Day-Care Center or Nursery School.

- A. At least one (1) parking space for each employee plus one (1) space for each six (6) persons to be served by the facility shall be provided.
- B. An outdoor play area shall be provided, at a rate of sixty five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone, neighborhood, or both. Outdoor play areas shall be completely surrounded by a minimum four (4) foot high fence, and screened from adjoining residentially-used/zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- C. Enrollment shall be defined as the largest number of persons/children under day-care supervision at any one time during a seven (7) day period.
- D. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on/or adjacent to the site.
- E. One (1) sign, not to exceed nine (9) square feet, shall be permitted.
- F. Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use including planned building additions or capacity increases.
- G. The use shall comply with any applicable county, state and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare regulations certificate or license.
- H. Outside play area in residential districts shall be limited to use between 8:00 am and 8:00 pm if located within two hundred (200) feet of a dwelling.
- I. This use shall not be conducted in dwelling that is physically attached to another dwelling.
- J. Descriptive information shall be provided concerning site ingress and egress and potential traffic volumes and parking lot circulation.

402. Amusement Arcades.

- A. All amusement arcades activities shall take place within a wholly enclosed building.

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- B. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside the amusement arcades.
- C. A minimum of one parking space for each eighty (80) square feet of a building's gross floor area shall be provided. In addition, any accessory uses (e.g. snack bar) shall require parking to be provided in accordance with the schedule listed in this Ordinance.
- D. A maintenance plan for the interior and exterior clean-up of litter shall be furnished and implemented by the applicant.

403. Animal Hospitals, Veterinarian Uses, and Other Related Accessory Uses.

- A. The primary use shall be the medical attention and professional care of animals, with incidental boarding only of animals receiving treatment.
- B. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard and screened from adjoining properties, and shall be a minimum of one hundred (100) feet from all property lines.
- C. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines.
- D. The applicant shall furnish evidence of effective means of animal and veterinary waste collection and disposal which shall be continuously implemented.
- E. Credible evidence must be provided that water supplies of surrounding properties will not be contaminated by burial activity within a proposed animal and/or pet cemetery.
- F. Minimum Lot Area:
 - 1. If only small animals are to be treated (dogs, cats, birds and the like) and the facility does not have a kennel or a cemetery or similar uses, such facility or office shall have a minimum lot area as specified in the district in which it is located.
 - 2. All other facilities shall have a minimum of two (2) acres.
- G. All Animal Hospitals, Veterinary Facilities and accessory uses shall comply with all applicable State and Federal standards and regulations.
- H. Facility waste of any kind and any other odor producing substances shall be removed on a weekly basis.

404. Bed and breakfast inns.

- A. A Bed and breakfast inns shall contain a minimum of two thousand (2,000) square feet of gross floor area.
- B. Maximum guest stay shall be limited to fourteen (14) consecutive days in any calendar month.
- C. There shall be a maximum of six (6) guest rooms.
- D. No external appearance modification of the building which would alter the residential character is permitted, except for the provisions of fire escapes.
- E. Meals shall be offered only to registered overnight guests.
- F. Bed and breakfast inns operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single family detached dwelling.
- G. Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use or additional units.
- H. All floors above grade shall have direct means of escape to ground level.
- I. One (1) off street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit. Parking areas shall be encouraged to the rear of the lot, where possible, and shall be a minimum of twenty (20) feet from any lot line.
- J. A bed and breakfast inns may erect sign(s) in accordance with this ordinance.
- K. The Bed and breakfast inns must comply with local regulations including but not limited to fire, health and building codes.
- L. The applicant shall furnish proof of acquisition of any needed land development approvals and approval from the PA Department of Labor and Industry, and any other applicable State and Federal agencies.

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405. Community Center.

- A. Adequate on-site, off-street parking must be provided as follows:
 - 1. One (1) space for each four seats.
 - 2. One (1) space for each full-time employee and one (1) space for every two (2) part-time employees.
- B. The location of a community center must be reviewed in conjunction with existing public facilities and use of those facilities that may be the same or compatible with the proposed community center.

406. Convenience Stores (Including Fuel Sales and Vehicle Fueling Stations).

- A.
- B. A site circulation plan shall be devised that separates those patrons a waiting fueling service from those patrons awaiting other services. The plan shall include the following information:
 - 1. Location and dimension of parking, landscaping areas and signage.
 - 2. Description of internal circulation and external access.
- C. Minimum width at the building setback line shall be two hundred fifty (250) feet.
- D. A buffer yard/screen planting of no less than ten (10) feet in depth shall be maintained along all property lines abutting a residential use.
- E. Access drives must be located as follows:
 - 1. Minimum Offset from Intersection of Street Right-Of-Way lines – Forty (40) feet.
 - 2. Side lot line offset – Ten (10) feet.
 - 3. Minimum width – Twelve (12) feet.
 - 4. Maximum Width – Thirty Five (35) feet.
 - 5. Minimum Separation of drives on same lot – Twenty five (25) feet.
- F. Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
- G. All lights must be diverted toward the fueling station or convenience store or downward on the lot.
- H. Trash receptacles: Outside trash receptacles and dumpsters are required.
- I. Outside Storage: outside storage is permitted within accessory structures. All other types of outside storage is prohibited. Garbage dumpsters are permitted.
- J. Signs: Signage visible from the street must comply with the requirements of this ordinance.
- K. Canopy Standards: Overhead canopies shall be no higher than fourteen (14) feet from established grade. Lights in overhead canopies shall be recessed into the canopy so that the light source can not be seen from adjoining roadways or properties.
- L. Outdoor Display: Outdoor display of merchandise is prohibited.

407. Conversion apartments.

- A. Each application for conversion shall include drawings showing the layout and size of rooms, the structural changes involved the sanitary provisions (water supply, lavatories, kitchens, etc.), fire escape measures, vehicular access and off-street parking.
- B. Each apartment unit shall be provided with complete kitchen facilities, flush toilet and bathing facilities within the unit.
- C. There shall be no evidence of change in the building except as required by building and/or housing codes of the Borough or the Commonwealth of Pennsylvania.
- D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- E. No extension or modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

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- F. All floors above and below grade shall have a direct means of escape to ground level.
- G. Each dwelling unit to be totally separated and inaccessible from the other by a wall extending from ground to roof or a ceiling and floor extending from exterior wall to exterior wall. Each dwelling unit is also to have an independent entrance either directly or through a common vestibule. Specific design requirements include:
 - 1. There shall be a fire partition having a fire-resistance rating of not less than two hours separating each individual dwelling unit in all two-family dwelling units.
 - 2. Two (2) parking spaces per unit applies.
- H. The structure shall comply with all State and local applicable rules and regulations including, but not limited to, fire, health, safety and building codes.

408. Home occupation.

- A. Home occupation uses shall include but not be limited to the following uses provided the standards of this Section are met.
 - 1. All uses listed under home occupation and profession uses.
 - 2. Woodworking and furniture shops.
 - 3. Automobile repair shops.
 - 4. Farm-related businesses.
- B. The home occupation uses must be conducted completely within the dwelling unit or an accessory structure.
- C. There shall be no exterior storage of materials, equipment, vehicles, or other supplies to be used in conjunction with the home occupation.
- D. Not more than thirty-five (35) percent of the habitable floor area of the dwelling unit, excluding attached accessory structures, shall be utilized for the home occupation. Attached structures, including garages, barns, sheds, and/or detached accessory structures, may be used for the home occupation.
- E. Articles sold or offered for sale shall be limited to those produced on the premises, sold as part of a home party sales operation, or for a licensed distributorship conducted by the resident.
- F. There shall be no exterior indications of the home occupation or variation of the residential character of the main building.
- G. A home occupation use shall not cause any external impact such as increased noise, excessive light, or offensive odor.
- H. A home occupation use shall be conducted only by members of the family residing in the dwelling unit plus no more than two (2) non-resident assistants or employees.
- I. One (1) unanimated, non-illuminated flat sign having an area of not more than four (4) square feet shall be permitted on each street front of the lot.
- J. Delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle shall not exceed one (1) trip per day and the deliveries shall not restrict traffic circulation.
- K. No manufacturing, repair or other mechanical work shall be performed in any open space on said property.
- L. Adequate on-site, off-street parking shall be provided for owner/operator, employees and patrons based upon the following requirements:
 - 1. One (1) space for owner/operator.
 - 2. One (1) space for each full-time employee.
 - 3. One (1) space for every two (2) part-time employees.
 - 4. One (1) space for every two hundred (200) square feet of indoor display or office space open to the general public.
- M. Hours of operation shall not negatively impact the surrounding residential neighborhood (s).

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409. Dry Cleaners, Laundries and Laundromats.

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

410. Educational Institutions.

- A. The minimum lot size shall be two (2) acres.
- B. Descriptive Information shall be provided including potential traffic volumes, site ingress and egress, and parking lot circulation.

411. Farm Market.

- A. Descriptive Information shall be provided including potential traffic volumes, site ingress and egress, and parking lot circulation.

412. Financial Institutions.

- A. Drive-through window(s) and waiting lanes shall be located to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the use.
- B. Space shall be provided for a minimum of six (6) vehicles to wait in line as part of the drive-through lane(s). Such spaces shall be located so as to not interfere with parking spaces for customers not using the drive-through, with vehicular circulation through the site and pedestrian safety.
- C. The drive-through arrangement shall be shown on site plans provided to the Borough Council as part of any review under the Franklinton Subdivision and Land Development Ordinance

413. Funeral Homes, Mortuaries, and Crematoriums.

- A. The minimum lot area shall be two (2) acres.
- B. Public sewer and public water shall be required.
- C. A one hundred (100) foot off-street stacking area for the formation of the funeral procession shall be provided on the site. No funeral procession will be allowed to form on public streets.
- D. Descriptive Information shall be provided including potential traffic volumes, site ingress and egress, and parking lot circulation.
- E. Access must be provided directly onto an arterial street or collector street.
- F. Off-street parking shall follow this ordinance.
- G. The applicant shall prepare descriptive information that provides supportive evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal Regulations.
- H. The Parking lot layout shall be designed to prevent traffic back-ups onto adjoining roads.
- I. One (1) sign, not to exceed sixteen (16) square feet.
- J. All parking areas shall be set back at least ten (10) feet from adjoining lot lines, and no parking areas shall be permitted within the front yard.

414. Health and Fitness Clubs.

- A. Off street parking shall be provided as-required by the combination of elements comprising the health club, including accessory uses.
- B. Any accessory eating, or retail use, must be accessed only through the primary club building.

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- C. All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.

415. Medical or Dental Practice/Clinic.

- A. Land buffers and landscaping planting screens shall be provided as necessary to adequately protect neighboring residential properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
- B. Descriptive information shall be provided including potential traffic volumes, site ingress and egress, and parking lot circulation.
- C. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
 - 1. All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
 - 2. The hours during which these services are provided shall be the same as those during the regular operation hours of the principal clinic.
- D. Necessary permits regarding water supply and sanitary waste disposal shall be provided.
- E. At least ten (10) percent of required parking spaces for medical offices shall be designed for handicapped persons.
- F. One (1) sign, not to exceed nine (9) square feet, shall be permitted.
- G. Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.

416. Motor Vehicle Repair Service Station.

- A. The minimum lot size for such as service stations shall be forty thousand (40,000) square feet and the minimum street frontage shall be one hundred fifty (150) feet.
- B. A use that is primarily intended to serve trucks with six or more wheels shall have a minimum lot area of five acres, and all areas used for repairs, fueling and serving of such vehicles shall be setback a minimum of two hundred and fifty (250) feet from all lot lines of existing dwellings and all residential zoning boundaries.
- C. Vehicle lifts or pits used for dismantled and disabled automobiles as well as all parts or supplies shall be located completely within an enclosed building(s).
- D. All service or repair of motor vehicle, other than such services as change of tires, shall be conducted in a completely enclosed building. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
- E. All major repair, welding and paint work shall be performed within an enclosed building, with a ventilation system that is directed away from any adjacent dwellings.
- F. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- G. Overnight outdoor storage of motor vehicle parts and any other ancillary/used parts/and or equipment shall be prohibited.
- H. Non-operational vehicle(s) shall not be stored within view of a public street or a dwelling for a total of more than five (5) days.
- I. The storage of gasoline or flammable oils, in bulk, shall be located fully underground and not nearer than fifty (50) feet from any property line other than the street line.
- J. No gasoline pumps shall be located nearer than twenty five (25) feet to any street line.
- K. No building permit for a motor vehicle repair service station shall be issued within a distance of 200 feet of any educational institution, church, hospital or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons, said distance to be measured in a straight line between the nearest points of each of the lots or premises, regardless of the district where either premises are located.

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417. No-Impact Home-Based Business.

- A. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 2. The business shall employ no employees other than family members residing in the dwelling.
 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 4. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
 5. The business activity may not use equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
 8. The business may not involve any illegal activity.

418. Passive or Active Recreation Park or Other Preserved Open Space Area.

- A. Descriptive information shall be provided including potential traffic volumes, site ingress and egress, and parking lot circulation.
- B. Where applicable, a lighting, landscaping, and traffic circulation plan may be required.
- C. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural. All preserved trees, slope areas, and any other natural features shall be noted on the plan.

419. Places of Worship.

- A. The minimum lot area shall be one and a half (1.5) acres for the place of worship, in addition to the minimum lot area required for a dwelling for a dwelling unit if there is a dwelling unit as an accessory to the place of worship.
- B. Accessory Uses: The following uses shall be permitted accessory uses to a place of worship and shall be conducted upon the same lot:
1. Daycare centers in accordance with this ordinance.
 2. Preschools or kindergartens.
 3. Administrative and counseling offices.
 4. Related recreational facilities.
 5. One dwelling unit
 6. Cemeteries.
- C. Permitted uses: The following uses shall be permitted:
1. Places of worship including churches, synagogues, temples, chapels, halls and the like.
 2. Religious education building but not parochial educational institutions.
 3. Recreation buildings when accessory to worship activity.
 4. Residences when related to worship activity, such as parish house, manse, manor, convent and the like.
- D. Other activities shall be considered principal uses and permitted only if the district in which such use is proposed.

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

1. The minimum lot size shall be one and a half (1.5) acres; however, if the sanctuary can hold five hundred (500) persons or more, the minimum lot size will increase one (1) additional acre for each additional one hundred (100) persons or portion thereof.
2. The minimum front, side and rear yards shall be fifty (50) feet.
3. The maximum lot coverage (including principle and all accessory buildings and all impervious parking lot areas) shall be sixty percent (60%).
4. The minimum open area shall be forty percent (40%).
5. The maximum building height shall be three (3) stories, not to exceed forty (40) feet, except that steeples, towers, domes and similar architectural features may exceed this maximum by one (1) foot in height for each two (2) feet the building is set back from the street or front property line.

F. Parking requirements.

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

G. Church-Related Residences (rectories and Convents)

1. Any such residential use shall be accessory to, and located upon the same lot as, or directly adjacent to, a lot containing a place of worship.
2. All residential structures shall be governed by the location, height and bulk standards imposed upon other residences within the site's zoning district.
3. This section expressly permits the use of group quarters for church-related staff, teachers, ministers, priests, nuns, seminarians and similar church-related persons.

H. A Planting and Screening Plan is required

420. Professional Office.

- A. Such use shall have direct access onto an arterial or collector street as designated.
- B. A Planting and Screening Plan including land buffers is required.
- C. Any outdoor storage or trash or other materials is not permitted in the front yard and shall be entirely screened from view.
- D. The floor area of any new single office building shall be limited to five thousand (5,000) square feet.
- E. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- F. One (1) sign, not to exceed fifteen (15) square feet, shall be permitted.

421. Public uses.

- A. Unhoused equipment shall be enclosed within a fence, wall, or evergreen plantings, not less than six (6) feet in height.
- B. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, vibration, smoke and odor). No equipment causing unreasonable noise, vibration, smoke, odor or hazardous effect shall be installed in a residential zone.
- C. The external design of the building (to the extent possible) shall be in conformity with the buildings in the surrounding area.
- D. There shall be no specific minimum lot size or lot width, however, each lot shall provide front, side and rear yard setbacks in accordance with the zoning district in which located.
- E. There shall be no maximum lot coverage requirement, provided that a stormwater management plan for the site is approved by the Borough engineer.
- F. Descriptive information shall be provided including potential traffic volumes, site ingress and egress, and parking lot circulation.

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- G. The storage of maintenance vehicles and related apparatuses shall be within wholly enclosed buildings.

422. Eating Establishments (Restaurants).

- A. Minimum lot area shall be one acre.
- B. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- C. All restaurant seating shall be provided within the completely enclosed building, except that limited exterior seating may be provided if:
 - 1. Such seating is situated and designed so as not to adversely impact nearby residences.
 - 2. Such seating is accessory to the principal interior seating accommodations.
 - 3. During use, such seating is continuously supervised by an employee or owner of the restaurant.
 - 4. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties.
 - 5. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.
- D. Any outdoor storage, trash or other materials is not permitted in the front yard and shall be entirely screened from view.
- E. Outdoor trash receptacles shall be placed at convenient locations for patrons.
- F. This use may provide two outdoor menu boards (beyond the signs normally permitted).
- G. One (1) sign, not to exceed forty (40) square feet, shall be permitted.
- H. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent residential properties.
- I. A site design plan and descriptive plan notes showing building placement and dimensions, building elevation plan, vehicular and pedestrian access, internal circulation, landscaping and size and location of signage.
- J. All exterior architectural scale, treatments, lighting and signage must be provided in plan size.
- K. A landscaping and screening plan for the restaurant's parking lot is required and must specifically include an auto and pedestrian safety measures as well as describe aesthetic appearance measures planned.
- L. A ten (10) foot land buffer is required along the perimeter of the property which abuts any existing residences and residential uses. A Planting and Screening Plan is required and must include fencing of at least six (6) feet in height with adjacent plantings that reach at least eight (8) feet high at time of maturity. Selection of plant species must take into account that maturity of plantings must be reached within a reasonable time-frame

423. Tavern.

- A. No tavern shall be located within three hundred (300) feet of any residence or residentially used/zoned lands.
- B. The use must be more than three hundred (300) feet from any church, hospital, charitable organization, educational institution or public playground.
- C. The use must be more than two hundred (200) feet from any other facility licensed by the Pennsylvania Liquor Control Board.
- D. The use shall meet all applicable State and local regulations.
- E. The applicant shall provide the Borough the tavern establishment's hours of operation, interior and exterior lighting plans, delivery schedules and plan for waste/litter management.
- F. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside of the building.
- G. Open Space requirements.
 - 1. An open space of at least fifty (50) feet wide shall be provided where the site adjoins a residential use or zone. The open space shall not be used for building, parking, loading or for storage purposes.

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2. A landscaping and screening plan shall be provided in accordance with the Franklinton Borough Subdivision and Land Development Ordinance

424. Townhouses.

- A. A maximum of five (5) townhouses dwelling units shall be attached in any way.
- B. Townhouse developments shall not exceed a gross density of six (6) dwelling units per acre
- C. No building shall exceed two hundred (200) feet in length.
- D. Two (2) off-street parking spaces shall be provided to the rear of each townhouse unit unless a parking garage is utilized. An access drive having a minimum width of twenty (20) feet shall provide access to all unit parking areas. The access drive shall be constructed in accordance with this ordinance. The access drive shall be maintained by a homeowners association, consisting of all lot owners whose property abuts said access drive.
- E. Overflow Parking. One additional off-street parking space shall be provided for every two (2) dwelling units proposed. No off-street parking shall be permitted in front of the apartment units. All parking areas must be twenty (20) feet from the structure. On-street parking is permitted.
- F. Pedestrian pathways are required to and from all overflow parking areas and must be shown on the plan.
- G. All units shall be served by public water and public sewer service.
- H. If the use will involve maintenance of streets, open space or other common improvements by a condominium or homeowner association, then such proposed condominium or homeowner agreement shall be reviewed by the Borough Solicitor and the Borough Council. If such agreement is found to be acceptable in regards to there being an adequate legally binding system that will assure property and homeowner maintenance, Borough Council is required to certify all agreements. This review and approval of such agreement shall occur prior to the Borough granting any building permits for such project

425. Treatment Centers.

- A. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
- B. The applicant shall provide a facility description of the including evidence of adequate on-site supervision and security measures to protect public safety.
- C. If the use involves five (5) or more residents, a suitable outdoor recreation area shall be provided that is supervised by the center's staff.

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ARTICLE 5 NONCONFORMITIES

500. Nonconforming Structures

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

501. Nonconforming Lots

- A. Continuation. Any nonconforming lot, due to its area or lot width, existing as of the effective date of this Ordinance may be continued although such lot does not conform to the lot requirements for the district in which it is located.
- B. Development. The following requirements apply to the development and use of the nonconforming lot. All the requirements of this Ordinance shall be met with the exception of lot area and lot width; furthermore, no lot shall be developed unless the following requirements are met:
 - 1. Each lot shall have an approved on-lot wastewater system and replacement system or access to public sewer.
 - 2. Public water or an on-lot water well shall be provided. Additionally, for those lots utilizing on-lot water the minimum required isolation distance between the well and the on-lot wastewater system shall be provided (minimum of 100 feet).

502. Nonconforming Uses

- A. Continuation. Any nonconforming use existing on the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Change in ownership or possession of the use or property shall not prevent the continuance of the nonconforming use.

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- B. Extension. Extension of the nonconforming use shall be approved by the Zoning Hearing Board as a special exception subject to the following standards and the provisions of this Ordinance.
1. Extensions shall be limited to the lot occupying the use or a contiguous lot held in common ownership at the time the use became nonconforming.
 2. The extension of the nonconforming use shall not replace a conforming use.
 3. The extension shall conform to the requirements of the underlying district and applicable supplementary regulations including, but not limited to: lot, building, setback, coverage, buffering, height, parking, and sign requirements.
 4. The extension of uses within structures shall not exceed an increase of fifty percent (50%) of the original volume or area of the nonconforming use. The original volume and area is the volume and area devoted to the use as it existed on the date such use became nonconforming.
 5. Land operations, which are nonconforming uses, (e.g., mineral recovery operations, agriculture activities, junk yards, and landfills) may be extended greater than fifty percent (50%) upon the approval of the Zoning Hearing Board.
- C. Change of Use. The following regulations shall apply to the change of nonconforming uses.
1. A nonconforming use changed to a conforming use shall not be permitted to be changed back to a nonconforming use.
 2. A nonconforming use shall be permitted to be changed to another nonconforming use upon application to the Zoning Hearing Board in accordance with this Ordinance and the following standards.
 - a. The applicant shall show the nonconforming use cannot be changed reasonably to a permitted use.
 - b. The applicant shall demonstrate the change will be less objectionable in external effects than the existing nonconforming use including, but not limited to:
 1. Traffic Impact.
 2. Environmental impact (e.g., noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration)
 3. Solid waste disposal.
 4. Appearance.
 - c. The applicant shall demonstrate the change will meet other requirements of this Ordinance, including: parking and loading, buffering, and signage.
- D. Abandonment, Discontinuance and Delinquency.
Any nonconforming use, building or structure, which has been abandoned, may not be resumed.
1. The ceasing of a nonconforming use in a building or structure for a continuous period of one (1) year or more shall be considered the abandonment of the nonconforming use. Subsequent use of such building or structure shall be in conformity with the provisions of this Ordinance.
 2. The ceasing of a nonconforming use of land for any length of time and reason shall be considered the abandonment of the nonconforming use with the exception of normal farming practices, such as, the rotation of crops. Subsequent use of such land shall be in conformity with the provisions of this Ordinance.
 3. In the case of the death of the property owner and/or settling of an estate the discontinuance of the nonconforming use shall not be considered an abandonment of the use In accordance with the sections above until the estate is settled or a court order has been entered regarding the estate's disposition. An one-year grace period after such settlement or court order shall apply.
 4. A nonconforming use shall be deemed abandoned in the event the Borough or County acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this Ordinance.

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503. Certificate of Nonconformance

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

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Article 6 ADMINISTRATION AND ENFORCEMENT

600. Powers and Duties of the Zoning Officer

A. Appointment and Powers of the Zoning Officer.

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

B. Duties of the Zoning Officer.

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

C. Land Use Permits.

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

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D. Fees.

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

E. Record.

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

F. Appeals and Applications.

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

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

601. Conflicting Regulations

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

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602. Zoning Hearing Board

- A. There is hereby created for the Borough a zoning hearing board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
1. The membership of the board shall consist of three (3) residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be for five (5) years and shall be so fixed that the term of office of one member shall expire each year. The board shall promptly notify the Borough Council of any vacancies, which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other elected or appointed office in the municipality, nor shall any member be an employee of the municipality.
 2. The Borough Council may appoint by resolution at least one but no more than three residents of the municipalities to serve as an alternate member of the board. The term of office of the alternate shall be three (3) years. If, by reason or absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate the alternate of the board to sit on the board to provide the quorum. The alternate shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. When seated pursuant to these provisions, an alternate shall be entitled to participate in all proceedings and discussion of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth herein and otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer, nor shall any alternate be an employee of the municipality. The alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated unless designated as a voting alternate member as described herein.
 3. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
 4. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in this Ordinance.
 5. The board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
 6. Within limits of funds appropriate by the Borough Council, the board may employ or contact for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.
- B. Hearings.
- The board shall conduct hearings and make decisions in accordance with the following requirements:
1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the board. In addition to the written notice provided herein, written notice of said hearings shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearings.
 2. The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the date of the applicant's application, unless the applicant has agreed in writing to an

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

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

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

C. Jurisdiction.

1. The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
 - a. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council, pursuant to Section 609.1 and Section 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), Act of 1968, P.L. 805, No. 247 as reenacted and amended.
 - b. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - c. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - d. Appeals from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - e. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania MPC, Act of 1968, P.L. 805, No 247 as reenacted and amended.
 - f. Applications for special exceptions under the zoning ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 912.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
 - g. Appeals from the determination of any officer or agency charge with the administration of any performance density provisions of this Ordinance.
 - h. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
 - i. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development

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not involving applications under Article V or VII of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

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

D. Variances.

1. The zoning hearing board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
 - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. That such unnecessary hardship has not been created by the applicant.
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

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E. Special Exceptions.

Where the Borough Council, in this Ordinance, has stated special exceptions to be granted or denied by the zoning hearing board pursuant to express standards and criteria, the zoning hearing board shall hear and decide requests for such special exceptions in accordance with such standards and criteria below:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
3. The proposed use will not substantially change the character of the subject property's neighborhood.
4. Adequate public facilities are available to serve the proposed use (e.g., educational institutions, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
5. The proposed use shall comply with those criteria specifically listed in this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
6. The proposed use must be generally consistent with the integrity of the Northern York Regional Comprehensive Plan.

603. Conditional Uses.

A. Criteria.

Where the Borough Council, in this Ordinance, has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hear and decide requests for such conditional uses in accordance with such standards and criteria below:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
3. The proposed use will not substantially change the character of the subject property's neighborhood.
4. Adequate public facilities are available to serve the proposed use (e.g., educational institutions, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
5. The proposed use shall comply with those criteria specifically listed in this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
6. The proposed use will not substantially impair the integrity of the Northern York Regional Comprehensive Plan.

B. The Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty five (45) days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

C. Where the Borough Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in this article, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the applicant may do so.

D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

E. Additional Conditions and Safeguards.

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In granting a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

604. Referrals to the Franklinton Borough Council, Committees and Engineer.

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

605. Parties Appellant Before the Council.

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

606. Time Limitations.

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

607. Stay of Proceedings.

- A. Upon filing of any appeal proceeding before the zoning hearing board and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, an all official action thereunder, shall be stayed unless the

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Zoning Officer or any other appropriate agency or body certifies to the council facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the council or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the council by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the council.

- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

608. Enactment of Zoning Ordinance Amendments.

- A. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedures for the preparation of a proposed zoning ordinance as set forth in Section 607 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, is hereby declared optional.
- B. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition to the requirement that notice be posted, where proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (3) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by the tax records within the possession of the municipality. The notice shall include the location, date and time for the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this sub Section. This clause shall not apply with the rezoning constitutes a comprehensive rezoning.
- C. In the case of an amendment other than that prepared by the Planning Commission, Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it; the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

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- E. At least thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the county planning agency for recommendations.
- F. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the county planning agency.

609. Procedure for Landowner Curative Amendments.

- A. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decide as provided in Section 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The Borough Council shall commence a hearing thereon within 60 days of the request as provided in section 916.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided herein and notice of the hearing thereon shall be given as provided herein and 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- B. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council, however that the deemed approval provision of Section 908 of the Pennsylvania MPC (Act of 1968, P.L. 805, No. 247 as reenacted and amended) shall not apply and the provision of Section 916.1 the Pennsylvania MPC shall control. If the Borough does not accept a landowner's curative amendment brought in accordance with this sub Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, educational institutions and other public service facilities.
 - 2. If the proposal is for a residential use, the impact off the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.
 - 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features.
 - 4. The impact of the proposed use on the site's soils, slopes, woodlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - 5. The impact of the proposal on the preservation of agricultural and other land uses which are essential to public health and welfare.

610. Procedure for Borough Curative Amendments.

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

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

611. Causes of Action.

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

612. Enforcement Notice.

- A. If it appears to the Borough that violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

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- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the Borough intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 4. The date before which the steps for compliance must be completed and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of days.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the zoning hearing board the municipality shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the Borough if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.
- F. Enforcement Remedies.
1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5) day following the date of the determination of a violation by the district magisterial judge and thereafter each day that a violation continues shall constitute a separate violation.
 2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.
 4. District magisterial judges shall have initiation jurisdiction over proceedings brought under this Section.

613. Interpretation.

A. Conflict with Other Laws.

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

FRANKLINTOWN BOROUGH ZONING ORDINANCE

B. Severability.

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

C. Saving Clause.

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

614. Validity.

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

615. Adoption.

- A. This Ordinance No. 273-2009 is hereby enacted and adopted by the Borough Council of Franklinton Borough, York County, Pennsylvania, this 5th day of February, 2009.

**BOROUGH OF FRANKLINTOWN,
YORK COUNTY, PENNSYLVANIA**

ORDINANCE 284-2014

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH
OF FRANKLINTOWN, YORK COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE NUMBER 273-2009 AND 250-1997, KNOWN AS THE
“CODE OF ORDINANCES,” PART 14, ZONING, CHAPTER 1.**

The following sections of The Franklinton Borough Zoning Ordinance, Ordinance Number 273-2009, as codified in The Code of Ordinances, Borough of Franklinton, Ordinance 250-1997, at Part 14, Zoning, Chapter 1, are hereby amended as follows:

Article 1 Background Provisions, Section 201 Definitions:

PUBLIC USES – Includes public and semi-public uses for the betterment of the community’s welfare and educational nature, such as educational institutions, parks, fire stations, municipal buildings and municipal garages.

Article 2, Zoning Regulations, Section 200 Rural Conservation Zone (RC)

H. **Agricultural Nuisance Disclaimer.** Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, “The Right to Farm Act,” may bar them from obtaining a legal judgment against such normal agricultural operations.

Article 2, Zoning Regulations, Section 201 Village Zone (V)

B. **Permitted Uses:**

1. Agriculture.
2. Conversion Apartment. (407)
3. Home occupation. (408)
4. Joint use driveway.
5. Medical or Dental practice/clinic. (416)

6. Multifamily Dwellings.
7. No-impact Home-based Business. (418)
8. Passive or Active Recreation Park or Other Preserved Open Space Area. (419)
9. Professional Office. (421)
10. Public Uses. (422)
11. Townhouses. (424)
12. Two-family Dwellings.
13. Mixed Use Buildings containing residential uses within a multi-story building. Residential uses must be located on second or higher stories of a building providing that such first floor business, use, operation or products shall not be objectionable due to odor, dust, smoke noise, vibration, or other similar causes.
 - a. There shall be no manufacturing, compounding, processing, or treatment of products other than that which is clearly incidental to a retail store or business and when all products are sold at retail on the premises.
 - b. There is a separate entrance for all residential tenants. If located on Baltimore Street, at least one residential entrance shall face Baltimore Street.
 - c. Illuminated business signs shall not emit light into residential units.
 - d. Designated on or off-site parking spaces are provided.

C. Conditional Uses:

1. Accessory Apartment. (400)
2. Adult or Child Day-Care or Nursery School. (401)
3. Animal Hospitals, Veterinarian Uses and Other Related Accessory Uses. (403)
4. Financial Institutions. (412)
5. Funeral Homes, Mortuaries and Crematoriums. (413)
6. Motor Vehicle Repair Service Station. (417)
7. Restaurant (Eating Establishment). (423)
8. Retail Sales.
9. Treatment Centers. (426)
10. Two Family Conversions.

D. Special Exception Uses:

1. Amusement Arcade. (402)
2. Bed and Breakfast Inn. (404)
3. Convenience Store (Including Fuel Sales and Vehicle Fueling Station). (406)
4. Dry Cleaners, Laundries and Laundromats. (409)
5. Farm Market. (411)
6. Health and Fitness Club. (414)
7. Personal Services.
8. Places of Worship. (420)
9. Tavern. (424)

Uses designated as Conditional Uses are reviewed and approved by the Franklinton Borough Council and uses designated as Special Exception are reviewed and approved by the Franklinton Borough Zoning Hearing Board.

All uses permitted by right, conditional uses and special exception uses in this Zone and as indicated in Sections C and D must attain strict conformance with the lot dimension requirements and all other referenced relevant sections of this Ordinance.

J. Agricultural Nuisance Disclaimer. Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, "The Right to Farm Act," may bar them from obtaining a legal judgment against such normal agricultural operations.

Article 4, Specific Criteria, Section 408 Home Occupation

- A. Home occupation uses shall include, but not be limited to, the following uses provided the standards of this Section are met:
1. All uses listed under home occupation and professional uses.
 2. Woodworking and furniture shops.
 3. Farm-related businesses.

All other provisions of The Franklinton Borough zoning Ordinance shall remain as-is and in full force and effect.

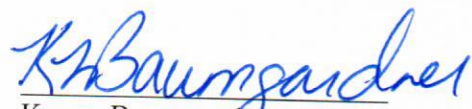
This Ordinance shall take effect thirty (30) days after its enactment.


ENACTMENT SIGNATURES ON NEXT PAGE

DULY ENACTED AND ORDAINED this 1st day of October, 2014 by the Borough Council of the Borough of Franklinton, York County, Pennsylvania, in lawful session duly assembled.

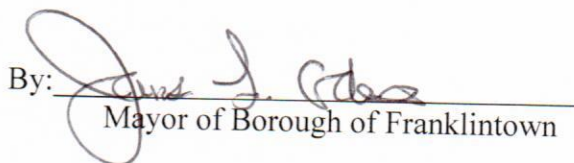
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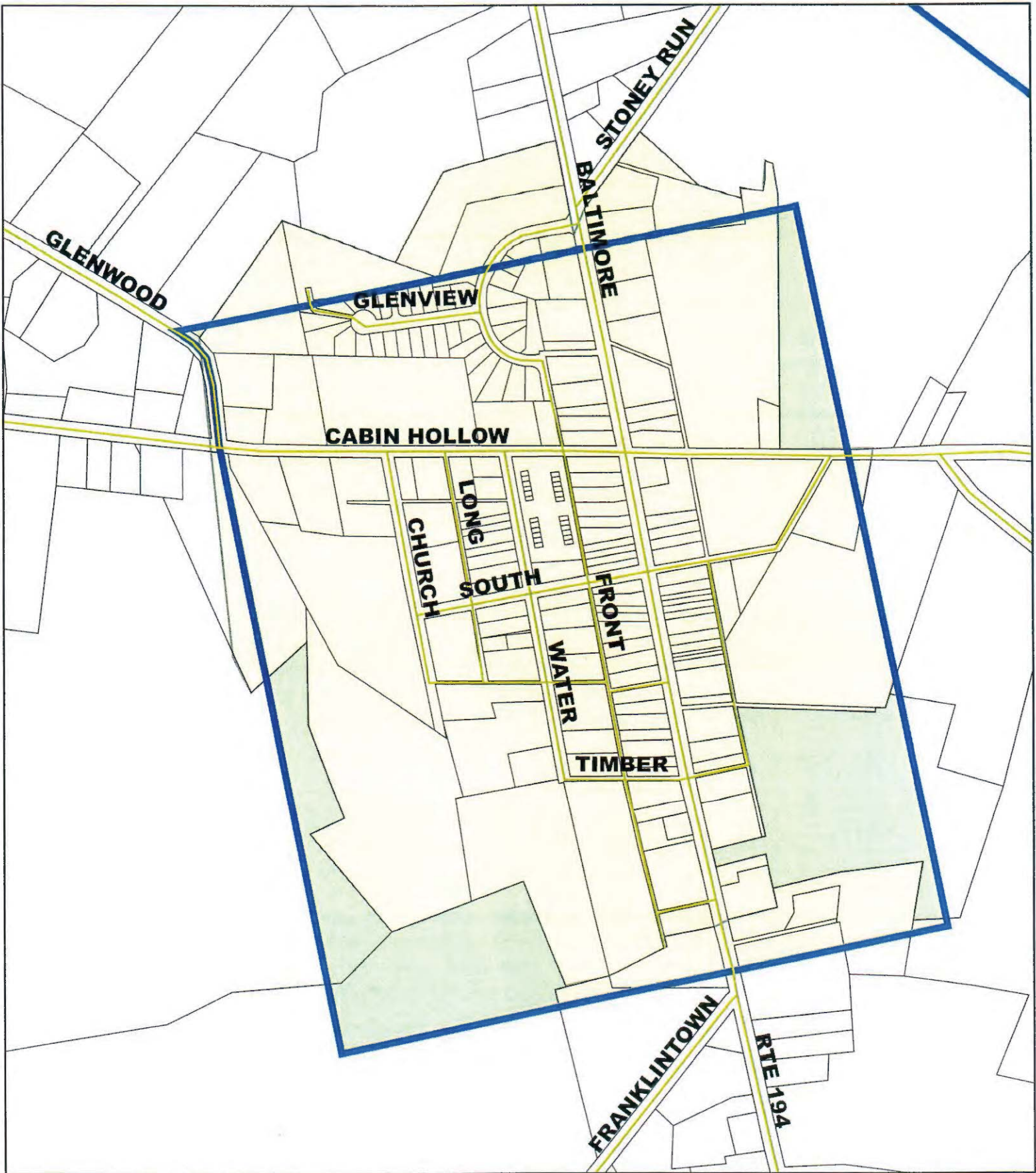
THE BOROUGH OF FRANKLINTOWN
YORK COUNTY, PENNSYLVANIA


Kacey Baumgardner, Secretary


Richard Blouch, President, Borough Council

Examined and approved this 1st day of October, 2014.

By: 
Mayor of Borough of Franklinton



Legend

-  roads
-  Borough Boundary
-  Parcels
- Zoning Districts**
-  Village
-  Rural Conservation

**FRANKLINTOWN BOROUGH
ZONING MAP**

1 inch = 500 feet



July 29, 2008