LOWER FRANKFORD TOWNSHIP

ZONING ORDINANCE 2019

Table of Contents

ARTICLE 1 - GENERAL PROVISIONS 1-1

1.01 Title and Authority 1-1

1.02 Effective Date 1-1

1.03 Interpretation 1-1

1.04 Validity 1-1

1.05 Repealer 1-1

1.06 Purpose 1-2

1.07 Community Development Objectives 1-2

1.08 Applicability. 1-4

1.09 Municipality Liability 1-4

1.10 Disclaimer 1-4

ARTICLE 2 - DEFINITIONS 2-1

2.01 General Word Usage 2-1

2.02 Defined Words and Phrases 2-2

ARTICLE 3 - DISTRICTS AND MAP ESTABLISHED 3-1

3.01 Zoning Classifications 3-1

3.02 Zoning Map 3-1

3.03 Interpretation of District Boundaries 3-1

3.04 Effect of Establishment of Districts 3-2

ARTICLE 4. - A - AGRICULTURAL DISTRICT 4-1

4.01 Purpose 4-1

4.02 Permitted Uses 4-1

4.03 Accessory Uses 4-2

4.04 Conditional Uses 4-3

4.05 Lot Area and Yard Regulations 4-4
4.06 Existing Substandard Lots 4-5
4.07 Farm Regulations 4-5
4.08 Notice to Non-Agricultural Uses 4-6
4.09 Off-street Parking 4-6
4.10 Signs 4-6
ARTICLE 5. - AR - AGRICULTURAL-RESIDENTIAL DISTRICT 5-1
5.01 Purpose 5-1
5.02 Permitted Uses 5-1
5.03 Accessory Uses 5-2
5.04 Conditional Uses 5-2
5.05 Lot Area and Yard Regulations 5-5
5.06 Existing Substandard Lots 5-5
5.07 Farm Regulations 5-5
5.08 Notice to Non-Agricultural Uses 5-6
5.09 Off-street Parking 5-6
5.10 Signs 5-6
ARTICLE 6. C – CONSERVATION DISTRICT 6-1
6.01 Purpose 6-1
6.02 Permitted Uses 6-1
6.03 Accessory Uses 6-1
6.04 Conditional Uses 6-2
6.05 Lot Area and Yard Regulations 6-2
6.06 Existing Substandard Lots 6-2
6.07 Off-street Parking 6-3
6.08 Signs 6-3

6.09 Woodland Preservation Requirements 6-3

ARTICLE 7. RESERVED 7-1

7.01 Reserved 7-1

7.02 Reserved 7-1

7.03 Reserved 7-2

7.04 Reserved 7-7

7.05 Reserved 7-8

7.06 Reserved 7-16

7.07 Reserved 7-17

7.08 Reserved 7-18

ARTICLE 8. VR - VILLAGE RESIDENTIAL DISTRICT 8-1

8.01 Purpose 8-1

8.02 Permitted Uses 8-1

8.03 Accessory Uses 8-2

8.04 Conditional Uses 8-2

8.05 Area and Yard Regulations 8-4

8.06 Existing Substandard Lots 8-6

8.07 Off-street Parking 8-6

8.09 Signs 8-7

ARTICLE 9. CONDITIONAL USES 9-1

9.01 Purpose 9-1

9.02 Applicability 9-1

9.03 Procedures 9-1

9.04 Compliance 9-4

9.05 General Use Standards 9-5

9.06 Additional Standards For Specified Conditional Uses 9-6

9.07 Adult-Related Use 9-6
9.08 Apartment Conversion 9-7
9.09 Automotive Repair Shop 9-7
9.10 Business Conversions 9-8
9.11 Camping Grounds 9-8
9.12 Car Wash Establishments 9-9
9.13 Communication Antennas, Tower, Equipment 9-10
9.14 Contractor Offices and Professional Offices 9-17
9.15 Distribution Center, Truck Stop, Wholesale Trade, and Truck Terminals 9-17
9.16 ECHO Housing 9-18
9.17 Funeral Homes and Crematoriums 9-19
9.18 Gasoline Service Station 9-20
9.19 Golf Courses 9-21
9.20 Halfway House 9-22
9.21 Hotels and Motels 9-23
9.22 Intensive Agricultural Operations 9-23
9.23 Junk Yards 9-24
9.24 Kennels 9-25
9.25 Landfill, Solid Waste Disposal/Processing Facility 9-25
9.26 Landscape and Horticultural Services 9-27
9.27 Manufacturing 9-27
9.28 Medical/Urgent Care Center 9-28
9.29 Mini-Storage Warehouse 9-28
9.30 Quarry 9-29
9.31 Retail Business, Business Service, and Personal Service 9-31
9.32 Retirement Facility 9-32

9.33 Shooting Range 9-33

9.34 Solar Energy System, Commercial 9-34

9.35 Wind Energy System, Commercial 9-37

ARTICLE 10. NON-CONFORMING USES, STRUCTURES AND LOTS 10-1

10.01 Continuation and Expansion 10-1

10.02 Changes of Use or Zoning 10-1

10.03 Abandonment 10-1

10.04 Replacement of Non-conforming Structures 10-2

10.05 Repairs and Maintenance 10-2

10.06 Non-conforming or Substandard Lots 10-2

ARTICLE 11. SUPPLEMENTAL REGULATIONS 11-1

11.01 Yard and Lot Regulations 11-1

11.02 Performance Standards 11-2

11.03 Uses Not Provided For 11-7

11.04 Standards for Accessory Apartments 11-7

11.05 Standards for Agricultural Waste Storage Facilities 11-7

11.06 Standards for Bed and Breakfast Inns 11-8

11.07 Standards for Day Care Centers. 11-8

11.08 Standards for Essential Services 11-9

11.09 Standards for Forestry Operations 11-9

11.10 Standards for Group Homes 11-11

11.11 Standards for Home Occupations 11-12

11.12 Standards for No-Impact Home-Based Businesses 11-12

11.13 Accessory Building Regulations 11-13

11.14 Development Along Streams and Wetlands 11-13

11.15 Fences and Walls 11-14

11.16 Off-Street Parking 11-14

11.17 Signs 11-21

11.18 Swimming Pools 11-26

ARTICLE 12. ADMINISTRATION, PERMITS AND FEES 12-1

12.01 Duties of Zoning Officer 12-1

12.02 Zoning Permit 12-2

12.03 Fees 12-2

ARTICLE 13. ENFORCEMENT, VIOLATIONS, AND PENALTIES 13-1

13.01 Enforcement Notice 13-1

13.02 Causes of Action 13-2

13.03 Jurisdiction 13-2

13.04 Enforcement Remedies 13-2

ARTICLE 14. ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS 14-1

14.01 Creation of Zoning Hearing Board and Appointments 14-1

14.02 Alternate Members 14-1

14.03 Removal of Members 14-1

14.04 Organization of Zoning Hearing Board 14-1

14.05 Expenditures for Services 14-2

14.06 Hearings 14-2

14.07 Jurisdiction 14-4

14.08 Applicability of Judicial Remedies 14-6

14.09 Zoning Hearing Board's Functions; Variances 14-6

14.10 Zoning Hearing Board's Functions; Special Exceptions 14-7

14.11 Parties Appellant Before the Zoning Hearing Board 14-7

ARTICLE 15. AMENDMENT AND APPEALS 15-1

15.01 Enactment of Zoning Ordinance Amendments 15-1

15.02 Procedure for Landowner Curative Amendments 15-2

15.03 Procedure for Municipal Curative Amendments 15-3

15.04 Publication, Advertisement and Availability of Ordinances 15-4

15.05 Appeals 15-4

ARTICLE 16. ENACTMENT 16-1

16.01 Enactment 16-1

ARTICLE 1 - GENERAL PROVISIONS

1.01 Title and Authority

This ordinance shall be known, and may be cited as, the Lower Frankford Township Zoning Ordinance. This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

1.02 Effective Date

Having been enacted into law by the Board of Supervisors of Lower Frankford Township on, this ordinance shall take effect as of the 6th day of August, 2019.

1.03 Interpretation

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Township and its residents. It is not intended by the Zoning Ordinance to interfere with, abrogate or annul any duly adopted code or ordinance of the Township, or any regulations, rules or permits previously adopted or issued thereunder, or the rules and regulations of any agency or body of the State of Pennsylvania or the Federal government which may have jurisdiction in a matter; nor is it the intent of this Zoning Ordinance to interfere with, abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of the building, or requires larger open spaces than are imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Zoning Ordinance shall control.

1.04 Validity

If any article, section, subsection, or provision in this Zoning Ordinance is declared to be illegal, unconstitutional or invalid, by any Court, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any other article, section, subsection, or provision, or remaining portion of the Zoning Ordinance. The Board of Supervisors of Lower Frankford Township, Cumberland County, Pennsylvania hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, and provision thereof, irrespective of the fact that any one or more of the articles, sections, subsections, or provisions, may be declared illegal, unconstitutional or invalid.

1.05 Repealer

All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect.

1.06 Purpose

The purpose of this Zoning Ordinance is implementation of the Township Comprehensive Plan and the promotion of the health, safety and general welfare of the present and future inhabitants of the Township by:

A. Giving effect to policies and proposals of the Township Comprehensive Plan;

B. Dividing the unincorporated area of the Township into districts according to the use of land and buildings, the intensity of such use including bulk and height, and surrounding open space;

C. Controlling and regulating the growth of the Township, concentrating development in areas where adequate utilities, roads and services can be provided, and limiting development in areas where these facilities are not or should not be provided;

D. Regulating and restricting the location and use of buildings, structures and land for trade, industry, residences and other uses;

E. Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing;

F. Securing safety from fire, panic, flood and other dangers;

G. Providing adequate privacy, light and air through appropriate setback, buffer, design, and performance standards;

H. Protecting the tax base by facilitating cost-effective development within the Township;

I. Conserving the values of property throughout the Township by avoiding or mitigating land use impacts that decrease property value;

J. Protecting landowners from adverse impacts of adjoining developments.

Each purpose listed above serves to balance the interests of the general public to the Township and those of individual property owners.

1.07 Community Development Objectives

Community Development Objectives are based upon an analysis of existing conditions in the Township and region, and an assessment of the desires of its residents. The objectives listed below are consistent with the Lower Frankford Township Comprehensive Plan. The Board of Supervisors will undertake to provide for the health, safety and general welfare of Township residents by maintaining a planning effort that:

A. Preserves and protects steep-sloped and wooded areas, particularly the area of Blue Mountain, through regulations designed to minimize both the amount and impact of development;

B. Develops basic protective ordinances for flood-prone areas to discourage development and encourage conservation;

C. Encourages the implementation of sound stormwater management and erosion and sedimentation control practices in new development and agricultural uses;

D. Preserves quality agricultural land through education and ordinances designed to limit and cluster residential development on farms;

E. Supports the protection of existing wetland areas and support efforts to delineate suspected wetlands;

F. Helps to maintain all Township roads in a safe condition and improve substandard or deteriorated roads;

G. Supports subdivision regulations which contain specifications for new street construction, plat design standards, and provision for the control of stormwater;

H. Helps prevent overcrowding of land, blight, loss of health, life or property from fire, flood, panic or other dangers;

I. Encourages the extension of public facilities by allowing alternative housing types and light commercial uses in appropriate areas of the Township;

J. Encourages cooperation with surrounding municipalities in such areas as fire and police protection and ambulance service and encourages joint studies when appropriate;

K. Educates the public regarding Lower Frankford Township's current base of aesthetic and natural resources, present development patterns and opportunities, and position with respect to both existing and potential growth in the more regional setting of Cumberland County and Pennsylvania;

L. Preserve, maintain, and enhance the quality of life and rural character of the region. This includes the region's agricultural economy, cultural heritage and bountiful natural resources;

M. Identify, conserve, and properly manage the environmental, aesthetic, natural and cultural resources of the area;

N. Guide development in an appropriate manner whereby existing community resources are not unduly overtaxed and discourage conflicts between neighboring properties and municipalities;

O. Strive for the best interests of the region when considering land uses, housing types, environmental interests, demographic sectors, and economic and political forces; and

P. Support or enhance municipal services such as transportation, utilities, education, emergency services, recreation, pedestrian safety, and information resources during the development process.

1.08 Applicability.

Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Ordinance:

A. Use, occupancy, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.

B. Change of the type of use or expansion of the use of a structure, building or area of land.

C. Creation of a lot or alteration of lot lines.

D. Creation of a new use.

1.09 Municipality Liability.

The granting of a Zoning Permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by Lower Frankford Township, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

1.10 Disclaimer.

It is recognized that: the Act of June 22, 1937 (P.L. 1987, NO. 394) known as "The Clean Streams Law"; the Act of May 31, 1945 (P.L. 1198, No 418) known as the "Surface Mining Conservation and Reclamation Act"; the Act of April 27, 1966 (1st Special Session, P.L. 31, No. 1) known as "The Bituminous Mine Subsidence and Land Conservation Act"; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the "Coal Refuse Disposal Control Act"; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the "Noncoal Surface Mining Conservation and Reclamation Act"; the Act of June 30, 1981 (P.L. 128, No. 43) known as the "Agricultural Area Security Law"; the Act of June 10, 1982 (P.L. 454, No. 133) entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances": and the Act of May 20, 1993 (P.L. 12, No 6) known as the "Nutrient Management Act" preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Zoning Ordinance.

ARTICLE 2 - DEFINITIONS

2.01 General Word Usage

Certain words, phrases and terms, are listed and defined in Section 2.02, in order to facilitate the interpretation of this ordinance for administrative purposes and in the performance of duties by appropriate officers and by the Zoning Hearing Board. In addition, the following provisions and rules shall be observed and applied throughout this Ordinance, except as otherwise expressly stated in the text.

A. Words used or defined in one tense or form shall include other tenses and derivative forms.

B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.

C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

D. The word "shall" is mandatory.

E. The word "may" is permissive.

F. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.

G. Unless otherwise expressly stated herein, the word "occupied" includes the words "designed or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used".

H. The words "Township" or "Municipality" mean Lower Frankford Township, Cumberland County, Pennsylvania.

I. The words "Township Board", "Board" or "Governing Body" mean the Board of Supervisors of Lower Frankford Township.

J. The words "Planning Commission" mean the Lower Frankford Township Planning Commission.

K. The words "Recorder" and "Recorder of Deeds" mean the Cumberland County Recorder of Deeds.

L. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control.

2.02 Defined Words and Phrases

Abandonment.

The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights of the property to another owner nor resuming the use of the property.

Abut or Abutting.

Having a common border with, or being separated from such common border by a right-of-way or easement.

Access.

A provision for vehicular approach or entry to or exit from property.

Acre.

A measure of land area containing 43,560 square feet (example: tract measuring 200' wide and 217.8' long = 43,560 square feet).

Adult Related Use.

An establishment that offers for sale or rent books, magazines, periodicals, films or audio/video materials that are characterized by an emphasis upon sexual conduct or sexually explicit nudity. This term also includes establishments presenting motion picture film, audio/video materials, or live performances which are characterized by sexual conduct or sexually explicit nudity.

Agriculture.

The tilling of the soil, the raising of crops, forests, horticulture and gardening, including the keeping and raising of domestic animals and fowl, riding horses for private use or for hire, riding academies and stables and including any agricultural industry or business such as fruit packing plants, dairies, animal or veterinarian hospitals, greenhouses, floral nurseries or similar uses.

Agriculture, Intensive (Intensive Agricultural Use).

Intensive agricultural uses include but are not limited to: (A) concentrated animal feeding operations, as defined herein; and (B) concentrated animal operations, as defined herein.

A. **Concentrated Animal Feeding Operations (CAFO)** - Federal regulations define a CAFO as an animal feeding operation that: (a) confines more than 1,000 animal units (AU). 1 AU = 1,000 lbs. animal weight. (b) Confines between 301 to 1,000 AU and discharges pollutants to surface waters through a man-made ditch or pipe; or directly into surface waters that originate outside of and pass through the facility or otherwise come into direct contact with

the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle; 700 mature dairy cattle; 2,500 swine each weighing more than 55 pounds; 30,000 laying hens or broilers (if a facility uses a liquid manure system); and 125,000 broilers or 82,000 laying hens (if a facility uses something other than a liquid manure system).

B. **Concentrated Animal Operations (CAO)** – An agricultural operation where the animal density of all livestock and fowl on the farm exceeds 2 animal units (2,000 lbs.) per acre of crop, hay, and pasture land. An operation with less than 8 animal units shall not be considered a CAO, regardless of the animal density. Animal units shall be calculated using the Standard Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual, by the Pennsylvania State Conservation Commission.

Agricultural Market.

Any fixed or mobile retail food establishment which is engaged primarily in the sale of raw agricultural products, but may include as accessory to the principal use, the sale of factory-sealed or prepackaged food products that normally do not require refrigeration.

Agricultural Operation.

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

Aisle.

The traveled way by which vehicles enter and depart parking spaces.

Alterations.

As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Animal Hospital.

A building used for the treatment, including incidental housing or boarding, of domestic animals by a veterinarian.

Antique Businesses.

A business for purchase and sale at retail of antiques. Specifically excluded are flea markets, multiple antique dealer ventures, and garage sales of a permanent or quasi-permanent nature, except as are authorized by the Township for charitable institutions or civic organizations for nonprofit fund raising purposes, and as otherwise may be provided by laws of this ordinance.

Apartment.

A dwelling unit contained in a building comprising three or more dwelling units, each of which has an entrance to a hallway or balcony in common with at least one other dwelling unit.

Apartment Conversion.

A multi-family dwelling constructed by converting an existing dwelling into apartments for two (2) or more families without substantially altering the exterior of the building.

Area, Building.

The aggregate of the maximum horizontal cross section area of all the buildings on a lot excluding cornices, eaves, gutters or chimneys projecting not more than thirty (30) inches, bay windows not extending through more than one (1) story and not projecting more than two (2) feet, uncovered porches, terraces, balconies and steps.

ATV (All-Terrain Vehicle).

Motor vehicle designed for use on unimproved surfaces, to include dune buggies, four-wheelers, snowmobiles, trail bikes, mopeds, and similar vehicles.

Automotive Repair Shop.

An area where repairs, improvements and installation of parts and accessories for motor vehicles, equipment, and/or boats are conducted. A vehicle and equipment repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding or transmissions.

Automobile Service Station.

See “Gasoline Service Station”.

Basement.

Any area of the building having its floor below ground level on all sides.

Bed and Breakfast.

An owner-occupied residence where not more than 5 guest rooms are rented to overnight guests on a daily basis.

Buffer.

An area to be used as means of limiting the effects created by a use on adjoining properties, streets and uses, including but not limited to screening, fencing and use of earthen berms.

Buildable Area.

The area of lot after the minimum setbacks and maximum impervious requirements of the zoning ordinance have been met.

Building.

A structure built, maintained or intended for use for the shelter or enclosure of persons, animals or property of any kind and includes, but is not limited to, all manufactured homes and trailers to be used for human habitation. The term is inclusive of any part thereof.

Building, Height Of.

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building or Use, Accessory.

A building or use which:

A. Is subordinate to and serves a principal building or principal use;

B. Is subordinate in area, extent or purpose to the principal building or principal useserved;

C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and

D. Is located on the same lot as the principal building or principal use.

Building, Principal.

A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building Setback Line.

The line within a property defining the required minimum distance between any building or structure and the front, side or rear lot line. It shall be a straight line parallel to the front, side or rear lot line of rectilinear lots. On a curvilinear lot, the building setback line shall be radial to the arc. No point on the parallel to the tangent shall be a distance less than the minimum setback distance. The front setback shall be measured from the center of the street or right-of-way.

Business Conversions.

Conversion of an existing residential structure to a nonresidential use. The conversion can be a total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units.

Business Services.

Those activities limited to the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photocopying services; arts, crafts, drafting and stationary supplies; food catering; interior decorating; taxidermy; upholstering and personal dry cleaning services. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service and repair; mortuaries; distribution facilities; and contractor's offices.

CAFO (Concentrated Animal Feeding Operation).

See "Agriculture, Intensive".

CAO (Concentrated Animal Operation).

See "Agriculture, Intensive".

Camping Ground.

A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, trailer campers, tents or shelters, but not including a mobile home camp court, or park.

Car Wash Establishments.

Any building or premises used for washing and cleaning motor vehicles.

Cluster Development.

A development design option which allows the minimum lot areas and yard requirements to be reduced so that buildings and lots can be grouped together in a more efficient and environmentally sensitive configuration, provided that the remaining area is devoted to open space, active or passive recreation, preservation of environmentally sensitive areas, or agriculture.

Co-Location.

The act of placing two or more Communication Antennas on one Communication Tower or other structure.

Common Open Space.

A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Communication Antenna.

Any devise used for the transmission or reception of radio, television, wireless, telephone, page, commercial mobile radio service or any other wireless communication signal, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Communication Equipment Building.

An accessory structure used to house communication equipment associated with a communication antenna or tower.

Communication Tower.

A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communication Antennas.

Community Sewer System.

Any system, whether publicly or privately owned, for the collection of sewage, from two or more lots and the treatment and/or disposal of the sewage on one or more of the lots or at any other site, and which shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection.

Community Water Supply System.

A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent.

Completely Dry Space.

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

Conditional Use.

A use permitted in a particular zoning district pursuant to the provisions of the Lower Frankford Township Zoning Ordinance and Article VI of the Pennsylvania Municipalities Planning Code.

Condominium.

Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land, and may include dwellings, offices and other types of space in commercial buildings or on property.

Conservation Area.

Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity of uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

Construction.

The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure including the placement of mobile homes.

Convenience Store.

A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant. A convenience store may involve the sale of gasoline.

Cooperative.

Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land, and may include dwellings, offices and other types of space in commercial buildings or on property where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

Crematory.

A building where deceased humans or pets are consumed by incineration and the ashes are collected for storage in urns or burial off-site.

Cul-de-sac.

A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

Cut.

An excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade, and also means the material removed in excavation.

Dairy.

A commercial establishment for the manufacture or processing of dairy products.

Day Care Center.

Children's day care center shall mean any nursery, person, association, corporation, institution or agency, licensed by the Pa. Department of Human Services, which provides care and supervision at any one time for seven (7) or more children under sixteen (16) years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge.

Day Care Home.

A home other than the child's own home, operated for profit or not-for-profit, in which care is provided at any one time for four (4), five (5), or six (6) children under the age of sixteen (16), unrelated to the operator. A Day Care Home is licensed by the Pa. Department of Human Services.

Density, Gross.

The quotient of the total number of dwelling units divided by the total lot area, in acres, of a site.

Detention Basin.

A vegetated pond designed to drain completely after storing runoff only for a given storm event and release it at a predetermined rate and is also known as a dry pond.

Developer.

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

Development.

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

Development Plan.

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

Distribution Center.

An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transhipment by boat, rail, air, or motor vehicle. Products may be assembled and broken down or aggregated into smaller or larger loads for shipment.

Drainage Facility.

Any ditch, gutter, culvert, storm sewer, basin, or other structure designed, intended or constructed for the purpose of diverting surface waters from, or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land area.

Dwelling.

A building or structure designed for living quarters for one (1) or more families, including mobile homes but not including tents, cabins, travel trailers, motels, hotels, rooming houses, boarding homes, convalescent homes or other accommodations used for transient occupancy.

Dwelling, Attached.

Three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced walls from ground to roof (Townhouse or Row house).

Dwelling, Multiple Family.

A building designed for or containing three or more dwelling units, sharing access from a common hall, stair or balcony.

Dwelling, Semi-Detached.

Two dwelling units, attached side to side, sharing only one common wall with the other (Duplex); or two dwelling units arranged one over the other.

Dwelling, Single Family Detached.

A dwelling designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit.

Dwelling Unit.

A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

ECHO Housing (Elder Cottage Housing Opportunities).

Also known as “granny flat” or elder cottage housing. It permits a family member, related by blood, marriage or adoption, to live independently but close to relatives on the same lot. The housing shall be connected to the utility system of the main dwelling unit.

Essential Services.

The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution system, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other agencies or private corporations under contract to a municipality including firehouses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare.

Essentially Dry Space.

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

Family.

One or more persons related to each other by blood, adoption, marriage, or otherwise by law, who are occupying the same dwelling unit and are living and cooking together as a single housekeeping unit, exclusive of foster children, household servants, and not more than two additional persons who are not so related. Apart from the above, not more than four persons living and cooking together as a single housekeeping unit though not so related, shall be deemed to constitute a family. A "family" as herein defined specifically excludes a boarding or rooming house, lodging house, club, fraternity, hotel or any similar group living arrangement.

Farm.

Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use.

Fence.

Any structure constructed of wood, metal, wire mesh, masonry, vinyl or other similar materials erected for the purpose of screening one property from another either to assure privacy or to protect the property screened, to enclose livestock, or to define and mark the property line. For the purpose of this Zoning Ordinance masonry wall is considered to be a fence.

Fill.

The sand, gravel, earth or other material placed or deposited such as to form an embankment or raise the elevation of the land surface.

Flood.

A temporary inundation of normally dry land areas.

Flood Damage-Resistant Materials.

Any building product [material, component or system] capable of withstanding direct and prolonged contact (at least 72 hours) with floodwaters without sustaining significant damage that requires more than cosmetic repair. “Cosmetic repair” includes cleaning, sanitizing, and resurfacing (e.g., sanding, repair of joints, repainting) of the material.

Flood Elevation, Base.

The elevation of the water surface of the flood that has a 1% chance of being equaled or exceeded in any given year.

Flood Elevation, Regulatory.

The 100 year flood elevation plus a freeboard safety factor of one and one-half feet.

Flood Fringe.

That portion of the flood plain outside the floodway.

Flood, One-Hundred Year (Base Flood).

A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year).

Flood Plain Area.

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

Floodproofing.

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

Floodway.

The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude without increasing the water surface elevation of that flood more than one foot (1 '0") at any point.

Floor Area, Gross.

The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area is considered habitable. It does not include unenclosed porches or any floor space in an accessory building or in the principal building which is designed for the parking of motor vehicles in order to meet the parking requirements of the Zoning Ordinance.

Footcandle.

A measure of illumination produced by 1 candle, at a distance of 1 foot on a 1 square foot area and measurable with an illuminance meter, a.k.a. light meter.

Forestry (Timber Harvesting).

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 land development.

Full Cutoff.

Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten percent (10%) of the lamp’s intensity is emitted at or above an angle ten degrees (10) below the horizontal plane, at all lateral angles around the fixture.

Fully Shielded.

Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

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.

Gasoline Service Station.

A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering services such as lubrication, washing and minor repairs.

Glare.

Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, or cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

Ground Floor.

The floor of, a building nearest the mean grade at the front of the building.

Group Home.

A dwelling inhabited by handicapped persons, as identified and provided for by the Fair Housing Act and this ordinance. This definition does not include persons occupying a hotel, dormitory, lodge, halfway house, boardinghouse or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer meets the definition of "handicap", as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define "handicap" as follows: "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.)

Halfway House.

A noninstitutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

Hazardous Material.

Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium, and arsenic and their common salts, petroleum products, pesticides and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

Historic Structure.

Any structure that is:

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

Home Occupation.

A business, profession, occupation or trade conducted for gain or support and located entirely within a residential building or a structure accessory thereto, which use is secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hospital.

An institution as approved by the State Medical Board and licensed by the Commonwealth of Pennsylvania in which patients or injured persons are given medical or surgical care.

Hotel.

A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or are occupied for sleeping purposes by guests and where kitchen and dining room facilities may be provided within the building as an accessory use.

Identified Floodplain Area.

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

Impervious Cover.

Any natural or man-made material utilized to cover, pave, re-surface or compact any portion or area of a lot, so as to substantially reduce or prevent the infiltration of stormwater into the ground beneath it. It includes surfaces such as compacted clay, gravel/stone, any form or mixture of concrete, asphalt, tar or similar substances, as well as, roof areas of buildings and other structures.

Junk Yard.

Any area and/or structure used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles primarily not in running condition and for the sale of parts thereof.

Kennel.

Any establishment in or through which at least 26 dogs are kept or transferred in a calendar year for payment or profit; except that litters of puppies not exceeding six months in age shall not constitute the establishment of a kennel. Facility must be licensed through the Department of Agriculture in accordance with Pa. Code Title 7, Chapter 21, and Act 119 as amended or revised.

Landfill

A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan. This definition shall include Solid Waste Disposal/Processing Facility.

Landowner.

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

Landscape Services (includes Horticultural Services).

A business that provides planting and maintenance services for lawns, trees, plants, gardens, and orchards for residential and nonresidential properties.

Lot.

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

Lot Area.

The area contained within the property lines of a lot excluding space within any public right-of-way, but including the area of easement.

Lot, Corner.

A lot at the junction of and abutting on two (2) or more intersecting streets or private roads or at the point of abrupt change of a single street or private road.

Lot Coverage.

The percentage of the lot area covered by any and all impervious surfaces.

Lot, Depth.

The mean horizontal distance between the street line (right-of-way line) and rear lot line, measured along the mean direction of the side lines of the lot.

Lot, Double Frontage.

An interior lot having frontage on two (2) streets.

Lot Frontage.

The lot dimension measured along the street line (right-of-way line) of any street abutting a lot.

Lot, Interior.

A lot other than a corner lot.

Lot Line.

A line bounding a lot which divides one lot from another, which divides a lot from a public right-of-way or street, and which divides a lot from any other defined public or private space. The lot line which divides a lot from a public right-of-way or street is also known as the street line.

Lot Line, Rear.

Lot line which is parallel to and most distant from the front lot line of a lot; in the case of an irregular, triangular or gore-shaped lot, a line at least twenty feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Lot Line, Side.

Any lot line other than a front or rear lot line.

Lot, Panhandle.

A lot not meeting minimum frontage requirements and where access to the public road is by a private right-of-way or driveway. The “panhandle” component of the lot shall be included in the lot area calculation.

Lot of Record.

Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

Lot Width.

The mean horizontal distance between the side lot lines measured at the building setback line. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

Lowest Floor.

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

Manufacturing.

The process and/or converting of raw, unfinished or finished materials or products, or any or either of them into an article or substance of different character or for use for a different purpose; industries furnishing labor in the case of manufacturing, rebuilding or refinishing of manufactured articles.

Medical/Urgent Care Center.

An establishment where licensed medical professionals who are authorized by law to examine, diagnose, and treat patients, including physicians, dentists, opticians, psychologists, and other similar medical personnel and vocations, examine and treat patients on an outpatient basis. Such a facility may also include a pharmacy provided that such use has access only from the interior of the building or structure. This use shall not include overnight accommodation of patients.

Microwave Antenna for Satellite Communication.

A parabolic ground based reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a dish shaped antenna, used or intended to receive radio or electromagnetic waves from an overhead satellite.

Mini Storage Warehouse.

A facility providing for the enclosed storage of household items, vehicles, or recreational equipment, where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

Minor Repair.

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

Mixed-Use Development.

The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobilehome or Manufactured Home.

A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) 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. For purposes of this ordinance, a mobile home or manufactured home shall be considered as a single family dwelling unit and one such unit shall be permitted on a single tract of land in all zones that permit single family dwellings, provided that no other dwelling units exist on the tract, and that all other applicable provisions of this ordinance are met. It shall include park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Mobilehome/Manufactured Home Park.

A parcel or contiguous parcels of land which has been so designed and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Mobilehome/Manufactured Home Subdivision.

An area designed exclusively for mobile/manufactured homes where lots are not rented but sold.

Motel.

A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, auto courts and other similar designations but shall not be construed to include mobile or immobile trailers or homes.

No Impact Home-Based Business.

A business or commercial activity administered or conducted as a use which is clearly secondary to the residential use of the 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.

Nonconforming Lot.

A lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Structure.

A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a 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 non-conforming structures include, but are not limited to, non-conforming signs.

Nonconforming Use.

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

Nursery, Horticulture.

Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

Obstruction.

Any wall, dam, wharf, embankment, levee, 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, 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, or is placed where the flow of the water might carry the same downstream causing damage of life and property.

One-hundred (100) Year Flood.

See “Flood, One-Hundred Year (Base Flood)”.

Open Space.

The unoccupied, unimproved space open to the sky on the same lot with a building, not including parking lots.

Overlay Zone.

A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Parking Lot.

Any lot, municipally or privately owned for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

Parking Space.

The space within a building, or on a lot or parking lot, for the parking or storage of one (1) motor vehicle.

Person.

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

Personal Services.

Activities shall include and be similar to barbershops, beauty salons, health spas, licensed massage establishments; photographic studios; self-service laundry and dry-cleaning establishments, laundromats; radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult related uses as defined herein.

Place of Worship.

A use of land or a building or buildings as a church, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

Porch.

A roofed, open, screened or glass enclosed structure projecting from the front, side or rear wall of a building.

Principal Building.

See “Building, Principal”.

Principal Use.

See “Use, Principal”.

Prime Agricultural Land.

Land consisting of those soils of the first and second class designated by the USDA Natural Resource Conservation Service as prime soils.

Private Clubs, Hunting, Fishing and Recreational.
A building and related facilities owned or operated by a corporation, association, or group of individuals established for hunting, fishing or other recreational pursuits of its members whose members pay dues and meet certain prescribed qualifications for membership.

Professional Offices.

Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

Property Line.

A line bounding a lot, tract or parcel of land which divides such lot, tract or parcel from another. It may also separate a lot, tract or parcel from any other defined public or private space where such space is adjacent to and not contained within the lot, tract or parcel. The term "property line" differs from the term "lot line" as defined and used herein when such line is situated within a defined public or private space (i.e., the property line may follow the centerline of a public street or road, but the lot line is established at the right-of-way line).

Public Hearing.

A formal meeting held pursuant to public notice by the Board of Supervisors, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.

Public Improvement.

Any improvement, facility or service together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: vehicular and pedestrian circulation systems; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

Public Meeting.

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84) known as the Sunshine Act, and subsequent amendments (65. C.S. CH.7 Relating to open meetings).

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 be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Quarry.

A lot or land used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale.

Recreation, Active.

Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration of the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

Recreation, Passive.

Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, such as hiking and picnicking.

Recreational Vehicle.

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

Regulatory Flood Elevation.

See “Flood Elevation, Regulatory”.

Repair Services.

Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

Repetitive Loss.

Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Retail Business.

Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops, and other activities that sell merchandise and products on a retail basis. Retail business shall not be construed to include adult related uses as defined herein.

Retirement Facility.

Planned development designed to meet the needs of, and exclusively for, the residence of senior citizens.

Right-of-way.

An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

Rooming House.

A dwelling where lodging is provided, for compensation for from five to ten persons, who are not members of a family occupying that dwelling unit and who do not occupy the dwelling as a single housekeeping unit.

School.

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

Screening.

The use of plant or landscaping materials, fencing, walls and or earthen berms to aid in the concealment of such features as parking areas and vehicles within them or open storage areas, and to provide privacy between two or more different land uses which abut one another.

Setback.

The setback of a building from a particular lot line is the horizontal distance from such lot line to the part of the building nearest to such lot line. The front setback shall be measured from the center of the street or right-of-way.

Shooting Range.

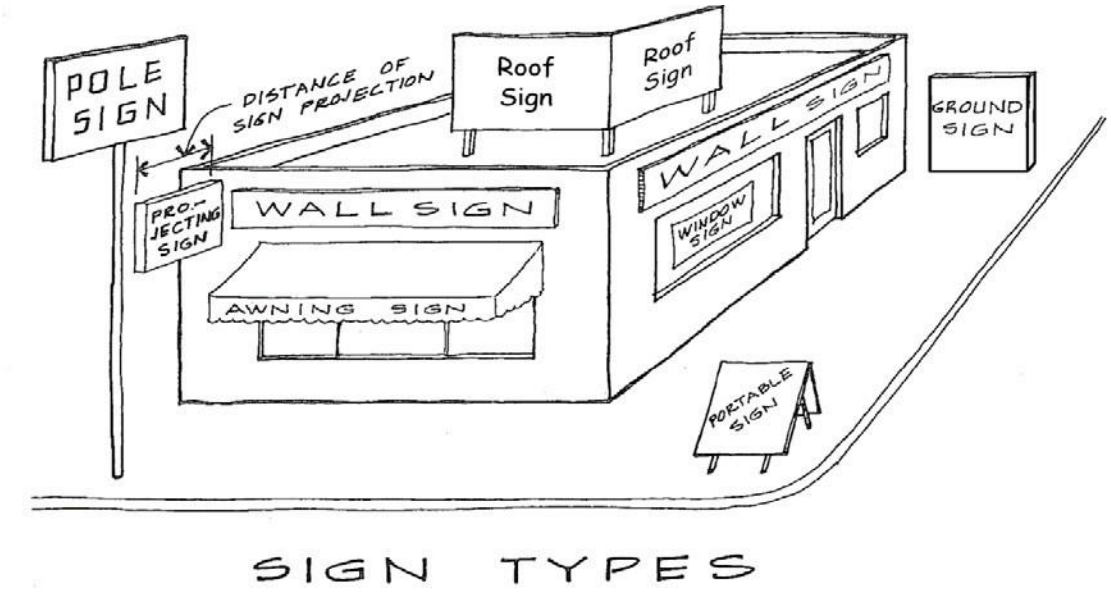
A specialized facility designed for firearms qualifications, training, or practice; and administered by a pubic, semi-public or private organization. For the purpose of this ordinance, firearms shall include any instrument that propels a projectile (e.g. rifles, guns, shotguns, pistols, archery). This definition does not include the legal discharge of firearms on private property.

Shopping Center.

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

Sign.

Any structure, device, light or object, including the ground itself or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from off the premises or from a parking lot, and shall be deemed to include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots.



SIGN TYPES

Sign Area.

The area of a sign including all lettering, wording, and accompanying design and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

Sign, Billboard.

A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Directional.

Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”.

Sign, Freestanding or Pole.

A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

Sign, Ground.

Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

Sign, Off-Premise.

A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Sign, Roof.

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof.

Sign, Temporary or Portable.

Any sign or advertising display constructed of cloth fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign, Wall.

A sign primarily supported or painted on a wall of a building. A Wall Sign shall also include a sign displayed upon an awning, marquee or canopy.

Sign, Window.

A sign which is attached to a window or transparent door or that can be read through a window or transparent door.

Solar Energy System, Commercial.

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

Solar Panel.

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

Solar Related Equipment.

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

A. Solar Array: A grouping of multiple solar modules with purpose of harvesting solar energy.
B. Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.
C. Solar module: A grouping of solar cells with the purpose of harvesting solar energy.

Special Exception.

A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Stable, Commercial.

A building or land where horses are kept for remuneration, hire, sale, boarding, riding or show.

Story.

A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it.

Street.

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

Street Line or Street Right-of-Way Line.

The street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, as shown on the property deed, the street line shall be assumed to be at a point twenty-five (25) feet from the centerline of the existing street.

Street Width.

The distance between right-of-way lines measured at right angles to the centerline of the street.

Structural Alteration.

Any change in the supporting or structural members of a building or structure, such as the bearing walls, partitions, columns, beams, girders, etc., or any change in the dimension or configuration of the rooms or exterior walls.

Structure.

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. "Structure" includes a building of any kind.

Substantial Additions to Manufactured Home Parks.

Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

Substantial Damage.

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

Substantial Improvement.

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

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

Truck Stop.

A commercial use that primarily provides fuel and parking for tractor-trailer trucks, in addition to other vehicles, and which may also include vehicle repair, a retail store, restaurant, motel, showers and similar support facilities for travelers.

Truck Terminal.

Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Tower, Microwave or Cellular.

A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, telephone or dispatch communications.

Uniform Construction Code (UCC).

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

Use.

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory.

See “Building or Use, Accessory”.

Use, Principal.

The specific primary purpose for which land is used.

Wholesale Trade Establishments.

Establishments primarily engaged in selling merchandise to other businesses including retailers, industrial, commercial, institutional, or other wholesalers and not to the general public.

Variance.

Relief granted pursuant to Articles VI and IX of the Pennsylvania Municipalities Planning Code or a grant of relief from the floodplain management regulations in accordance with Section 7.08 of this Ordinance.

Veterinary.

See “Animal Hospital”.

Wetland.

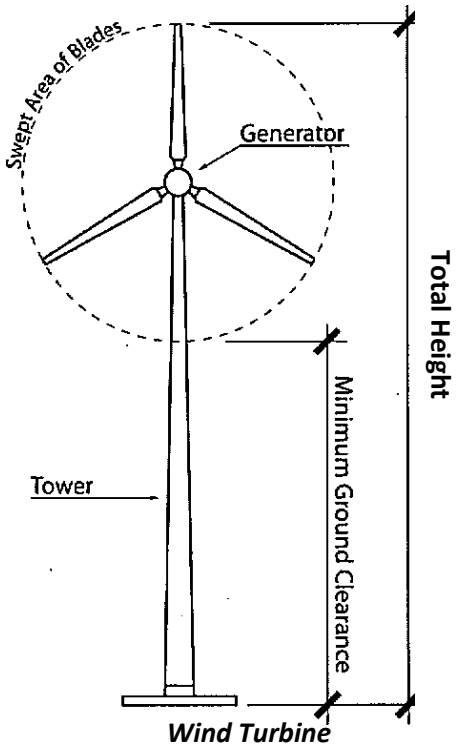
Areas that have a predominance of hydric soils and that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wind Energy System, Commercial.

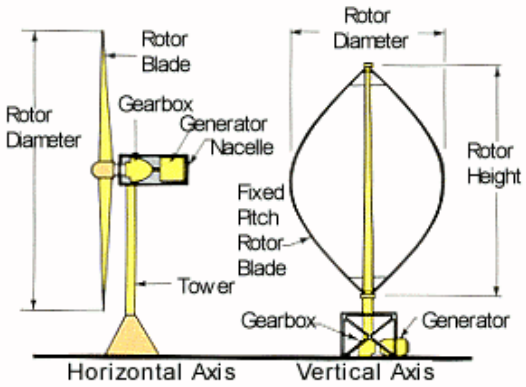
An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities. A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

Wind Turbine.

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.



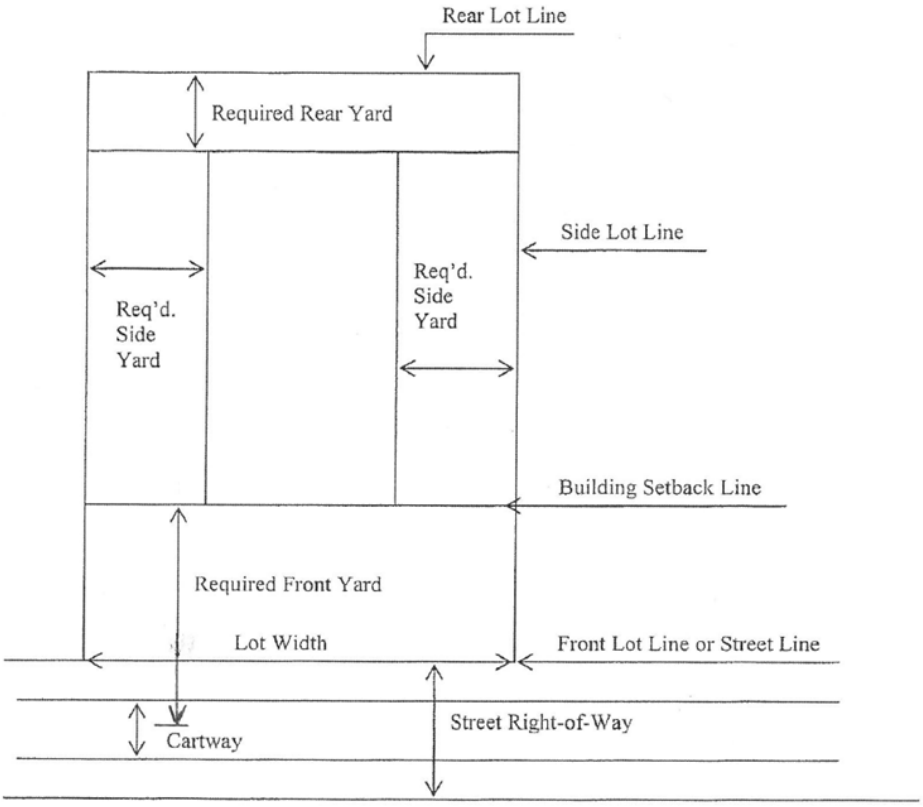
Wind Turbine



Wind Turbine Configurations

Yard.

An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under these provisions.



Yard, Front.

An open unoccupied space on the same lot with a main building, situated between the street center line and front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street center line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Interior.

An open unoccupied space between the buildings of a dwelling group or between a building and its accessory buildings, not a front, side or rear yard.

Yard, Rear.

A yard on the same lot with a main building, situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the main building.

Yard, Side.

A yard on the same lot with the building, situated between the required side setback line and the side lot line and extending from the front lot line to the rear lot line. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning District.

A portion of the Township or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance (or the adjacent municipality's Zoning Ordinance).

Zoning Map.

The Official Zoning Map of Lower Frankford Township which is an integral part of this ordinance and setting forth the boundaries of the zoning districts which is kept up-to-date and on display at the Township office, and/or office of the Township Secretary.

Zoning Officer.

The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may also be the Building Inspector or Township Secretary and serve both offices of the Township.

Zoning Permit.

A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this ordinance for the zone in which it is located or is to be located.

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 3 - DISTRICTS AND MAP ESTABLISHED

3.01 Zoning Classifications

For the purpose of regulating the location, size and use of buildings, structures and land, for residence, trade, industry or other purposes, Lower Frankford Township is hereby divided into the following districts, or zones, which shall be known as:

A – Agricultural District

AR - Agricultural-Residential District

C - Conservation District

VR - Village Residential District

FC - Flood Plain Conservation Overlay District

3.02 Zoning Map

The boundaries of the above districts are delineated on a map entitled **Lower Frankford Township Zoning Map** which accompanies, and, with all explanatory matter thereon, is hereby made a part of this ordinance.

3.03 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of the districts shown on the Zoning Map, the Zoning Officer shall determine the Zoning District boundaries. The following rules shall apply.

A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed as following such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following municipality limits shall be construed as following such municipality limits.

D. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed as following such centerlines.

E. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through D above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

F. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or are in circumstances not covered by Sub-sections A through E above, the Zoning Officer shall interpret the district boundaries. An appeal may be taken to the Zoning Hearing Board, as provided herein.

G. The boundaries of the Floodplain Conservation District shall be initially interpreted from the most recent issue of the Flood Insurance Rate Map (FIRM) for Lower Frankford Township, (Community No. 421018), published by the Federal Emergency Management Agency. Disputes over boundaries shall follow the procedures outlined in Article 7.

3.04 Effect of Establishment of Districts

A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located, except existing nonconformities in accordance with Article 10, and unless and until a Zoning Permit has been secured from the Zoning Officer. No residential lot shall have erected upon it more than one residential building.

B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.

C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards, and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by this ordinance for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all provisions of this ordinance.

D. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

E. Any list of prohibited uses contained in any section of this ordinance shall not be deemed to be an exhaustive list but has been included for the purposes of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and thus prohibited.

ARTICLE 4. - A - AGRICULTURAL DISTRICT

4.01 Purpose

The A, Agricultural District includes areas of prime agricultural soils, active farms, pasture land and other predominately agricultural uses. These regulations are designed to help protect and stabilize the characteristics associated with productive agriculture, while allowing controlled residential activity. It is the Township's intent to permit, with some exceptions, uses and activities that are agricultural in nature and encourage the preservation of productive farmland and the rural character of the Township in general. The A zone discourages dense development and encourages farm, residential and compatible uses of the type and scale that will not cause decay of the natural environment or create infrastructure demands.

In an A, Agricultural District the regulations set forth in this article and referenced by this article shall apply.

4.02 Permitted Uses

In an A, Agricultural District, no structure or land shall be used, and no structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses.

A. Agricultural Equipment Repair.

B. Agricultural Market.

C. Agricultural Operation including crop, vineyard and tree farming; and including the raising, keeping, breeding and butchering of livestock for gain or personal use (including cattle, hogs, members of the equine family, cows, sheep, goats, chickens, turkeys, poultry, rabbits and similar animals) (see Section 4.07).

D. Bed and Breakfast (see Section 11.06)

E. Cemeteries.

F. Conservation areas, public park and recreation areas, forest reserves, camps, game refuges and similar non-intensive uses.

G. Day Care Center (see Section 11.07).

H. Essential Services – as defined by this ordinance (see Section 11.08).

I. Forestry (see Section 11.09).

J. Greenhouses, nurseries, aviaries, hatcheries, apiaries and similar enterprises.

K. Group homes (see Section 11.10).

L. Hunting, fishing, and recreational private clubs.

M. Landscape and Horticultural Services, including florist.

N. Place of Worship.

O. Retail sale of Agricultural, Nursery, and Lawn and Garden Supplies and goods.

P. Riding Academies and Stables.

Q. Sawmills.

R. Schools and associated facilities, and municipal buildings and associated facilities.

S. Single family detached dwellings, including individual mobile homes located on their own lot.

T. Veterinarians and Animal Hospitals.

4.03 Accessory Uses

The following customary accessory uses and buildings incidental to any permitted uses shall be permitted:

A. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas, including private garages.

B. Roadside stands and other accessory facilities for the sale of produce or products grown or raised on the premises. Roadside stands shall be for seasonal or limited duration and located not less than forty (40) feet from the centerline of any Township roadway or State highway.

C. Accessory apartments (see Section 11.04).

D. Agricultural Waste Storage Facility (see Section 11.05).

E. Day Care Home (see Section 11.07).

F. Home Occupation Uses (see Section 11.11).

G. No impact home based business (see Section 11.12).

H. Signs (see Section 11.17).

4.04 Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Uses allowed by Conditional Use shall be subject to the requirements specified in Article 9 and elsewhere in this ordinance.

A. Automotive Repair Shops, Electrical Repair Shops, Small Engine Repair, Welding Shops, etc. (see Section 9.09).

B. Business Services (see Definitions, Article 2, and Section 9.31).

C. Camping Grounds (see Section 9.11).

D. Communication antennas, tower, equipment (see Section 9.13).

E. Contractors, such as Builders, Plumbers, Electricians, Masons, Carpenters, etc., which are not home occupations as defined by this Ordinance (see Section 9.14).

F. ECHO Housing (see Section 9.16).

G. Intensive Agricultural Use (see Section 9.22).

H. Kennels (see Section 9.24).

I. Personal Services (see Definitions, Article 2, and Section 9.31).

J. Used Merchandise Stores, such as antique stores, used clothing stores, auction houses, etc. (see Section 9.31).

K. Shooting ranges (see Section 9.33).

L. Sporting Goods Stores, including ammunition and firearms, bait and tackle shops, fishing and hunting equipment, backpacking and hiking equipment, riding goods and equipment, etc. (see Section 9.31).

M. Solar energy system, Commercial (see Section 9.34).

N. Wind energy system, Commercial (see Section 9.35).

4.05 Lot Area and Yard Regulations

A. Upon the effective date of this ordinance, the maximum land area that can be subdivided for non-farm lots from a parent parcel shall be equal to thirty percent (30%) of the gross area of the parent parcel (i.e. 100 acre parcel: 100 x 0.3 = 30 acres).

Any subsequent owner of any parcel or land legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners, in that such current owner may only subdivide for the purposes of additional non-farm lots the land area, if any, remaining from the original amount permitted by this Section.

Any subdivision or land development plan hereafter filed for land in the Agricultural Zone, including new subdivided farm lots, shall specify which lot or lots shall carry with them the right to subdivide any unused quota of non-farm land area of the parent tract.

B. For each tract of contiguous land in single ownership that is ten (10) acres or less as of the effective date of this ordinance, Subsection A above shall not apply and there may be one additional non-farm lot subdivided when meeting the requirements of the Pennsylvania Department of Environmental Protection and this ordinance.

C. In the event a tract of land which is not in the Agricultural Zone on the effective date of this ordinance is later classified as part of the Agricultural Zone, the size of such tract shall be determined as of the effective date of the zoning change.

D. Any lot, tract, or parcel used for the following proposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height***
					Front	Side	Rear	
Agriculture horticulture and forestry related uses	2 acres	200 ft.	10%	20%	75 ft.*	35 ft. each	50 ft.	35 ft.
Residential	2 acre	200 ft.	10%	20%	75 ft.*	35 ft. each	50 ft.	35 ft.
Non-Residential	Sufficient to accommodate buildings, setbacks, coverage, parking	200 ft.	15%	25%	75 ft.*	35 ft. each	50 ft.	35 ft.
Accessory structures	N/A	N/A	Included in above	Included in above	75 ft.*	15 ft.**	10 ft.**	30 ft.

* Front building setback distance measured from the street centerline. Panhandle lot front setback shall be fifty (50) feet measured from point where panhandle joins the interior portion of lot. Front yard exception see Section 11.01.
** New accessory farm buildings, such as barns, silos, corn cribs or other feed storage structures, equipment storage sheds, etc. shall not be constructed closer than fifty (50) feet from the side, and rear property lines.
*** Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, elevator penthouses, tanks, silos related to farm operations, antenna or other similar projections.

4.06 Existing Substandard Lots

Additions, alterations, and new development of structures in existing substandard lots shall be regulated by the provisions in Article 10, Sec 10.06.

4.07 Farm Regulations

A. Farming operations shall be conducted in accordance with the Nutrient Management Act of 1993, Act 38 of 2006, and as amended. All manure storage facilities shall be reviewed and approved by the Cumberland County Conservation District.

B. All farming operations which are in compliance with manure management regulations as imposed by State, Federal, or Township authority shall not be subject to further restriction on account of odor except as provided under Article 11, Section 11.02.B.4 of this ordinance, where odors emitted are not the result of normal agricultural operations.

C. The keeping or raising of livestock and/or poultry on parcels of land less than ten (10) acres in area shall be limited to the keeping and raising of two (2) head of livestock or 100 fowl per forty thousand (40,000) square feet of area used for housing and pasturing the animals.

4.08 Notice to Non-Agricultural Uses

From the effective date of this Ordinance, all subsequent subdivision and land development plans submitted within this zone shall require a note which duplicates the section below and which must be transferred to the purchaser by the seller.

The primary purpose of this Zoning District is to accommodate commercial agricultural operations. Non-farm dwellings or uses located within this District may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to: odor; dust; noise; night, holiday, early morning and weekend operations; heavy vehicle use of roads; the storage and disposal of manure; the application of fertilizers, herbicides, etc. Residents, property owners and users of property in this District should accept these factors as normal and unavoidable characteristics of an agricultural area, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law" may bar them from obtaining legal judgment against such normal agricultural operations.

4.09 Off-street Parking

Off-street parking design, landscaping, and screening shall be provided as required by Article 11, Section 11.16.

4.10 Signs

The placement, type and size of all signs erected in an A, Agricultural District shall be as regulated by the provisions of Article 11, Section 11.17.

ARTICLE 5. - AR - AGRICULTURAL-RESIDENTIAL DISTRICT

5.01 Purpose

The AR, Agricultural-Residential District includes areas of active farms, pasture land and low density residential and business uses. These regulations are designed to help preserve the rural character of the Township while providing for residential and business activity. Recognizing the need to provide for varying land uses, the Agricultural-Residential District allows agricultural, residential, and selected commercial and industrial uses. The AR zone provides reasonable standards for harmonious development that protects the natural environment and minimizes infrastructure demands.

In an AR, Agricultural-Residential District the regulations set forth in this article and referenced by this article shall apply.

5.02 Permitted Uses

In an AR, Agricultural-Residential District, no structure or land shall be used, and no structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses.

A. Agricultural Operation including crop, vineyard and tree farming; and including the raising, keeping, breeding and butchering of livestock for gain or personal use including cattle, hogs, members of the equine family, cows, sheep, goats, chickens, turkeys, poultry, rabbits and similar animals (see Section 5.07).

B. Bed and Breakfast Inns (see Section 11.06).

C. Cemeteries.

D. Conservation areas, public park and recreation areas, forest reserves, camps, game refuges and similar non-intensive uses.

E. Day Care Center (see Section 11.07).

F. Essential Services - as defined by this ordinance (see Section 11.08).

G. Forestry (see Section 11.09).

H. Greenhouses, nurseries, aviaries, hatcheries, apiaries and similar enterprises.

I. Group homes (see Section 11.10).

J. Hunting, fishing, and recreational private clubs.

K. Place of Worship.

L. Riding Academies and Commercial Stables.

M. Schools and associated facilities, and municipal buildings and associated facilities.

N. Single family detached dwellings, including individual mobile homes located on their own lot.

O. Veterinarians and Animal Hospitals.

5.03 Accessory Uses

The following customary accessory uses and buildings incidental to any permitted uses shall be permitted:

A. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas, including private garages.

B. Accessory apartments (see Section 11.04).

C. Agricultural Waste Storage Facilities (see Section 11.05).

D. Day Care Home.

E. Home Occupation Uses (see Section 11.11).

F. No impact home based business (see Section 11.12).

G. Roadside stands for the sale of edible produce grown on the premises. Such roadside stands shall be for seasonal or limited duration and located not less than forty (40) feet from the centerline of any Township roadway or State highway.

H. Signs (see Section 11.17).

5.04 Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Uses allowed by Conditional Use shall be subject to the requirements specified in Article 9, Article 11 and elsewhere in this ordinance.

A. Adult Related Use (see Section 9.07).

B. Automobile Dealers (see Section 9.31).

C. Automotive Repair, Agricultural Equipment Repair, Electrical Repair Shops, Small Engine Repair, Welding Shops, etc. (see Section 9.09).

D. Business Conversions. Conversion of an existing residential structure to a non-residential use. The conversion can be a total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with apartment(s) on the second and higher floors.) (see Section 9.10).

E. Business Services. (see Definitions, Article 2) (see Section 9.31).

F. Camping grounds (see Section 9.11).

G. Car Wash Establishments (see Section 9.12).

H. Communication antennas, tower, equipment (see Section 9.13).

I. Contractors, such as Builders, Plumbers, Electricians, Masons, Carpenters, etc., which are not home occupations as defined by this Ordinance (see Section 9.14).

J. Country clubs and golf courses (see Section 9.19).

K. Distribution Center, Truck Stop (see Section 9.15).

L. Eating and Drinking Places (see Section 9.31).

M. ECHO Housing (see Section 9.16).

N. Funeral Home (see Section 9.17).

O. Gasoline Service Stations, with or without convenience store or car wash (see Section 9.18).

P. Halfway house (see Section 9.20).

Q. Hotel or Motel (see Section 9.21).

R. Professional Offices (see Section 9.14).

S. Junk Yards (see Section 9.23).

T. Kennels (see Section 9.24).

U. Landfill, Solid Waste Disposal/Processing facility (see Section 9.25).

V. Landscape and Horticultural Services (see Section 9.26).

W. Manufacturing (see Section 9.27).

X. Medical/Urgent Care center (see Section 9.28).

Y. Mini-storage warehouses (see Section 9.29).

Z. Mobile Home Dealers (see Section 9.31).

AA. Personal Services, such as Laundries, Dry Cleaners, Carpet Cleaners, Photographers, Barber and Beauty Shops, Shoe Repair, etc. (see Definitions, Article 2) (see Section 9.31).

BB. Quarry (see Section 9.30).

CC. Retail Businesses including sporting goods, hardware, general merchandise, food, convenience store, apparel, electronics, computer, drug, florists, books, hobby, craft, art, retail nurseries, lawn and garden supply, etc. (see Definitions, Article 2)(see Section 9.31).

DD. Retirement facility (see Section 9.32).

EE. Shooting Range (see Section 9.33).

FF. Solar energy system, Commercial (see Section 9.34).

GG. Used Merchandise Stores, such as antique stores, used clothing stores, auction houses, etc (see Section 9.31).

HH. Wind energy system, Commercial (see Section 9.35).

5.05 Lot Area and Yard Regulations

A. Any lot, tract or parcel used for the following purposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height***
					Front	Side	Rear	
Agriculture horticulture and forestry related uses	2 acres	200 ft.	10%	20%	75 ft.*	35 ft. each	50 ft.	35 ft.
Residential	2 acre	200 ft.	10%	20%	75 ft.*	35 ft. each	50 ft.	35 ft.
Non-Residential	Sufficient to accommodate buildings, setbacks, coverage, parking	200 ft.	15%	25%	75 ft.*	35 ft. each	50 ft.	35 ft.
Accessory structures	N/A	N/A	Included in above	Included in above	75 ft.*	15 ft.**	10 ft.**	30 ft.

* Front building setback distance measured from the street centerline. Panhandle lot front setback shall be fifty (50) feet measured from point where panhandle joins the interior portion of lot. Front yard exception see Section 11.01.

** New accessory farm buildings, such as barns, silos, corn cribs or other feed storage structures, equipment storage sheds, etc. shall not be constructed closer than fifty (50) feet from the side, and rear property lines.

*** Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, elevator penthouses, tanks, silos related to farm operations, antenna or other similar projections.

5.06 Existing Substandard Lots

Additions, alterations, and new development of structures in existing substandard lots shall be regulated by the provisions in Article 10, Sec 10.06.

5.07 Farm Regulations

A. Farming operations shall be conducted in accordance with the Nutrient Management Act, 1993, Act 38 of 2006, and as amended. All manure storage facilities shall be reviewed and approved by the Cumberland County Conservation District.

B. All farming operations which are in compliance with manure management regulations as imposed by State, Federal, or Township authority shall not be subject to further restriction on account of odor except as provided under Article 11, Section 11.02 B.4, of

this ordinance, where odors emitted are not the result of normal agricultural operations.

C. The keeping or raising of livestock and/or poultry on parcels of land less than ten (10) acres in area shall be limited to the keeping and raising of two (2) head of livestock or 100 fowl per forty thousand (40,000) square feet of area used for housing and pasturing the animals.

5.08 Notice to Non-Agricultural Uses

From the effective date of this Ordinance, all subsequent subdivision and land development plans submitted within this zone shall require a note which duplicates the section below and which must be transferred to the purchaser by the seller.

A purpose of this Zoning District is to accommodate agricultural operations. Non-farm dwellings or uses located within this District may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to: odor; dust; noise; night, holiday, early morning and weekend operations; heavy vehicle use of roads; the storage and disposal of manure; the application of fertilizers, herbicides, etc. Residents, property owners and users of property in this District should accept these factors as normal and unavoidable characteristics of an agricultural area, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right to Farm Law” may bar them from obtaining legal judgement against such normal agricultural operations.

5.09 Off-street Parking

Off-street parking design, landscaping, and screening shall be provided as required by Article 11, Section 11.16.

5.10 Signs

The placement, type and size of all signs erected in an AR, Agricultural-Residential District shall be as regulated by the provisions of Article 11, Section 11.17.

ARTICLE 6. C – CONSERVATION DISTRICT

6.01 Purpose

The purpose of the C, Conservation District is to protect and preserve environmentally sensitive features such as the densely wooded northern portion of Lower Frankford Township and the Opossum Lake recreation area. Protecting wooded steep slope areas from indiscriminate deforestation and development, and preserving the aesthetics, recreation potential, natural resources and watershed functions are primary objectives within this District.

In the C, Conservation District, the regulations set forth in this article and referenced by this article shall apply.

6.02 Permitted Uses

In the C, Conservation District, no structure or land shall be used, and no structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses.

A. Conservation areas, public park and recreation areas, forest reserves, camps, game refuges and similar non-intensive uses.

B. Essential Services, as defined by this ordinance (see Section 11.08).

C. Forestry, timber harvesting and logging (see Section 11.09).

D. Group Home (see Section 11.10).

E. Hunting, fishing, and recreational private clubs.

H. Single Family Dwellings, Seasonal Cottages, Hunting and Fishing Cabins, provided that: No such dwelling, cottage or cabin shall be located within two hundred (200) feet of the Township/County boundary on North Mountain.

6.03 Accessory Uses

The following customary accessory uses and buildings incidental to any permitted uses shall be permitted:

A. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas, including private garages.

B. Accessory apartments (see Section 11.04).

C. Day care home.

D. Home occupation uses (see Section 11.11).

E. No impact home based business (see Section 11.12).

F. Place of Worship.

G. Signs (see Section 11.17).

6.04 Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Uses allowed by Conditional Use shall be subject to the requirements specified in Article 9 and elsewhere in this ordinance.

A. Camping grounds (see Section 9.11).

B. Commercial antennas, tower, equipment (see Section 9.13).

6.05 Lot Area and Yard Regulations

A. Any lot, tract or parcel used for the following purposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height**
					Front	Side	Rear	
Residential	10 acres	300 ft.	1.0%	2.0%	100 ft.*	35 ft. each	50 ft.	35 ft.
Non-Residential	10 acres	300 ft.	4.0%	8.0%	100 ft.*	35 ft. each	50 ft.	35 ft.
Accessory structures	N/A	N/A	Included in above	Included in above	100 ft.*	30 ft.	20 ft.	30 ft.

* Front building setback distance measured from the street centerline. Panhandle lot front setback shall be seventy-five (75) feet measured from point where panhandle joins the interior portion of lot. Front yard exception see Section 11.01.

** Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, elevator penthouses, tanks, silos related to farm operations, antenna or other similar projections.

6.06 Existing Substandard Lots

Additions, alterations, and new development of structures in existing substandard lots shall be regulated by the provisions in Article 10, Sec 10.06.

6.07 Off-street Parking

Off-street parking design, landscaping and screening shall be provided as required by Article 11, Section 11.16.

6.08 Signs

The placement, type and size of all signs erected in the C, Conservation District shall be regulated by the provisions of Article 11, Section 11.17.

6.09 Woodland Preservation Requirements

Except in Forestry (Timber Harvesting) operations (see Definitions, Article 2), wooded areas existing on the effective date of this Ordinance – that are on steep slopes of 15% or greater shall not be removed or clear cut. This requirement does not apply to those portions of a property that are less than 15% slope.

Limited tree removal shall be permitted for the construction of improvements permitted by this zone or depicted on an approved Subdivision and Land Development Plan. Only those necessary for the construction of buildings, structures, roads, stormwater management facilities and other work authorized under the plan shall be cleared of existing woodland.

Regular maintenance of woodlands is permitted (i.e. removal of dead growth, trimming, safety, etc).

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 7. RESERVED

7.01 Reserved

7.02 Reserved

7.03 Reserved

7.04 Reserved

7.05 Technical Provisions

7.06 Reserved

7.07 Reserved

7.08 Reserved

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 8. VR - VILLAGE RESIDENTIAL DISTRICT

8.01 Purpose

The VR, Village Residential District is intended to provide a variety of housing opportunities, along with a mix of service oriented and limited retail uses, in areas where extensions of existing public utilities might be possible, or new public or community utilities could be developed. It is designed to encourage more dense development relative to other zoning districts within this ordinance, and provide for retail and service facilities which primarily serve the needs of the immediate surrounding neighborhood.

In a VR, Village Residential District the regulations set forth in this article and referenced by this article shall apply.

8.02 Permitted Uses

In a VR, Village Residential District, no structure or land shall be used, and no structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses.

A. Agricultural Operation including crop, vineyard and tree farming; and including the raising, keeping, breeding and butchering of livestock for gain or personal use (including cattle, hogs, members of the equine family, cows, sheep, goats, chickens, turkeys, poultry, rabbits and similar animals) (see Section 4.07).

B. Attached Dwellings (townhouses).

C. Bed and Breakfast Inns (see Section 11.06).

D. Cemeteries.

E. Day Care Centers (see Section 11.07).

F. Essential Services, as defined by this ordinance (see Section 11.08).

G. Financial Institutions.

H. Forestry (see Section 11.09).

I. Group homes (see Section 11.10).

J. Libraries.

K. Mobile Home/Manufactured Home Park.

L. Multiple Family Dwellings (apartments).

M. Place of Worship.

N. Professional Offices.

O. Rooming and Boarding Houses.

P. Schools and associated facilities, and municipal buildings and associated facilities.

Q. Semi-Detached Dwellings (duplex).

R. Single-family Detached Dwellings, including individual mobile homes located on their own lot.

8.03 Accessory Uses

The following customary accessory uses and buildings incidental to any permitted uses shall be permitted:

A. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas, including private garages.

B. All storage accessory to any permitted principal use, other than off-street parking and loading, or trailer, boat, mobile home and agricultural storage shall be carried on in completely enclosed buildings.

C. Accessory apartments (see Section 11.04).

D. Day Care Home.

E. Home Occupation Uses (see Section 11.11).

F. No Impact Home Based business (see Section 11.12).

G. Signs (see Section 11.17).

8.04 Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Uses by Conditional Use shall be subject to the requirements specified in Article 9, Article 11, and elsewhere in this ordinance.

A. Apartment Conversions (See Section 9.08).

B. Automotive Repair Shops (See Section 9.09).

C. Business Conversions. Conversion of an existing residential structure to a non-residential use. The conversion can be a total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with or a conversion apartment(s) on the second and higher floors.) (see Section 9.10).

D. Business Services (see Definitions, Article 2) (see Section 9.31).

E. Car Wash Establishments (see Section 9.12).

F. Eating and Drinking Places, excluding drive-in restaurants and fast food restaurants (see Section 9.31).

G. Echo Housing (see Section 9.16).

H. Gasoline Service Stations (see Section 9.18).

I. Mini-storage Warehouses (see Section 9.29).

J. Personal Services, such as Laundries, Dry Cleaners, Carpet Cleaners, Photographers, Barber and Beauty Shops, Shoe Repair, etc. (see Definitions, Article 2) (see Section 9.31).

K. Retail Businesses including sporting goods, hardware, general merchandise, food, convenience store, apparel, electronics, computer, drug, florists, books, hobby, craft, art, retail nurseries, lawn and garden supply, etc. (see Definitions, Article 2) (see Section 9.31).

8.05 Area and Yard Regulations

A. Any lot or tract used for residential purposes shall comply with the following:

On-Lot Water and Sewer

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height **
					Front*	Side	Rear	
Single-family detached	1.5 acres.	200 ft.	15%	25 %	75 ft.	35 ft. each	50 ft.	35 ft.
Single-family semi-detached	0.75 acre per unit	100 ft. per unit	15%	25%	75 ft.	40 ft. each	50 ft.	35 ft.
Attached Dwelling	Not permitted without public/community sewer and water							
Multi-family	Not permitted without public/community sewer and water							
Non-Residential or Mix Residential/ Commercial in same building	Sufficient to accommodate buildings, setbacks, coverage, parking	200 ft.	25%	60%	75 ft. ***	30 ft. ***	30 ft. ***	35 ft.
Accessory use or structure	N/A	N/A	Included in above	N/A	75 ft.	15 ft.	10 ft.	35 ft.

* Front building setback distance measured from the street centerline. Panhandle lot front setback shall be fifty (50) feet measured from point where panhandle joins the interior portion of lot. Front yard exception see Section11.01.

** Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, elevator penthouses, tanks, silos related to farm operations, antenna or other similar projections.

***Minimum 8 feet vegetative ground cover for front setback; Minimum 10 feet vegetative ground cover for side and rear setbacks.

Public/Community Sewer **OR** Water Only

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height **
					Front*	Side	Rear	
Single-family detached	0.5 acre	100 ft.	25%	40 %	75 ft.	20 ft. each	50 ft.	35 ft.
Single-family semi-detached	0.5 acre per unit	60 ft. per unit	25%	40%	75 ft.	30 ft. each	50 ft.	35 ft.
Attached Dwelling	Not permitted without public/community sewer and water							
Multi-family	Not permitted without public/community sewer and water							
Non-Residential or Mix Residential/ Commercial in same building	Sufficient to accommodate buildings, setbacks, coverage, parking	100 ft.	25%	60%	75 ft. ***	30 ft. ***	30 ft. ***	35 ft.
Accessory use or structure	N/A	N/A	Included in above	N/A	75 ft.	15 ft.	10 ft.	35 ft.

* Front building setback distance measured from the street centerline. Panhandle lot front setback shall be fifty (50) feet measured from point where panhandle joins the interior portion of lot. Front yard exception see Section 11.01.

** Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, elevator penthouses, tanks, silos related to farm operations, antenna or other similar projections.

***Minimum 8 feet vegetative ground cover for front setback; Minimum 10 feet vegetative ground cover for side and rear setbacks.

Public/Community Sewer **AND** Water

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height **
					Front*	Side	Rear	
Single-family detached	0.35 acre	100 ft.	25%	40 %	55 ft.	20 ft. each	50 ft.	35 ft.
Single-family semi-detached	0.18 acre per unit	60 ft. per unit	25%	40%	55 ft.	20 ft. each	50 ft.	35 ft.
Attached Dwelling	0.1 acre per unit	20 ft. per unit	40%	60%	55 ft.	20 ft. end unit	50 ft.	35 ft.
Multi-family dwelling	0.07 acre per unit	N/A	25%	50%	55 ft.	20 ft. each	50 ft.	40 ft.
Non-Residential or Mix Residential/ Commercial in same building	Sufficient to accommodate buildings, setbacks, coverage, parking	100 ft.	25%	60%	75 ft. ***	30 ft. ***	30 ft. ***	35 ft.
Accessory use or structure	N/A	N/A	Included in above	N/A	75 ft.	15 ft.	10 ft.	35 ft.

* Front building setback distance measured from the street centerline. Panhandle lot front setback shall be fifty (50) feet measured from point where panhandle joins the interior portion of lot. Front yard exception see Section 11.01.

** Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, elevator penthouses, tanks, silos related to farm operations, antenna or other similar projections.

***Minimum 8 feet vegetative ground cover for front setback; Minimum 10 feet vegetative ground cover for side and rear setbacks.

8.06 Existing Substandard Lots

Additions, alterations, and new development of structures in existing substandard lots shall be regulated by the provisions in Article 10, Sec 10.06.

8.07 Off-street Parking

Off-street parking design, landscaping, and screening shall be provided as required by Article 11, Section 11.16.

8.08 Signs

The placement, type and size of all signs erected in a VR, Village Residential District shall be as regulated by the provisions of Article 11, Section 11.17.

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 9. CONDITIONAL USES

9.01 Purpose

Conditional uses are those uses which have some special impact or uniqueness, such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. When a conditional use is proposed, a review of the location, design, configuration and impact is conducted by comparing the proposed use to fixed standards. The findings of the review determine whether the proposed use should be permitted by meeting the categorical definition as a use type, the specific requirements contained in the ordinance, and is not detrimental to the health, safety and general welfare of the public. The review considers the proposed use in terms of the existing zoning and land use in its vicinity, proposed public and private developments which may be adversely affected, and to what extent all possible steps have been taken by the developer to minimize any adverse effects of the proposed use on the immediate neighborhood area and on the public health, safety, morals and welfare in general.

9.02 Applicability

Any use which is listed as a Conditional Use in any zoning district established by this Zoning Ordinance shall comply with this article.

9.03 Procedures

A. Applications. Applications for a conditional use shall be submitted and approved prior to the filing of a subdivision or land development plan, and/or the issuance of a building permit. Applications shall take the form outlined below:

All applications for conditional use permits shall be made in writing by the landowner for which it is sought on a form supplied by the Township and shall be filed with the Township Secretary or Zoning officer. The application shall include four (4) copies of the following information, and shall include a filing fee which shall be established by Resolution of the Board of Supervisors.

1. Legal description – copy of deed for which the conditional use is desired,

2. A statement of the proposed use of the parcel, together with a site plan containing the layout of the development drawn to scale showing the location and exterior dimensions of all proposed buildings in relation to property and street lines; and

   (a) The location of existing utilities, drainage culverts and swales, and any existing structures;

(b) Information regarding planned treatment and disposal of sewage and industrial wastes, water supply and storm drainage;

(c) The size and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density;

(d) The location, size arrangement and capacity of all areas to be used for off-street parking and off-street loading;

(e) The location and dimension of all existing and proposed vehicular drives, entrances, exits, traffic circulation patterns, acceleration and deceleration lanes;

(f) The location and dimension of all existing and proposed pedestrian entrances, exits and walkways.

3. The Planning Commission and/or the Board of Supervisors may require other data or supplemental information deemed necessary by them or by the Zoning officer to determine compliance of the proposed conditional use with the terms of this zoning ordinance.

4. When a conditional use is sought for a development which is a part of a subdivision or land development plan which has received final plan approval or for which a previous conditional use permit has been issued, the plan or conditional use permit, together with any covenants, conditions or other restrictions related thereto shall be submitted as a part of the application for the new conditional use permit.

5. Conditional use permits may be granted for lease properties or structures. The application shall be signed by the property owner. Once granted, the conditional use may be continued by other tenants/lessees provided the use remains the same and all terms and conditions of the original permit are followed.

B. Notification of Adjacent Property Owners. The applicant shall prepare a list of names and addresses of all property owners physically adjacent to the property for which the Conditional Use is requested. "Physically adjacent" shall include property across a public or private street or right-of-way if any portion of the boundary is in direct alignment with that of the applicant. Properties with absentee owners shall also list tenant name and address, if applicable. The Township shall prepare a notice listing the date, time and place of the public hearing and the nature of the conditional use requested. Such notice shall be sent by mail to the applicant, zoning officer and those property owners and tenants on the list no less than twenty-one (21) days prior to the date of the public hearing. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

C. Planning Commission Review. A review shall be held by the Planning Commission at its next regular monthly meeting following acceptance of the conditional use application by the Township. Acceptance of the application is deemed to occur when the application fee is accepted by the Township and a receipt for same is returned to the applicant. Complete

applications for conditional use approval shall be submitted by the first Wednesday of the month in which Planning Commission review is desired. Applications submitted late will not be accepted and shall be returned to the applicant.

Unless the time period is extended by the written agreement of the applicant, the Planning Commission shall, at its next regular monthly meeting following acceptance of the conditional use application, render to the Board of Supervisors a recommendation to either; (1) grant approval of the application as submitted; (2) grant approval of the application subject to conditions; or (3) deny the application. The recommendation of the Planning Commission shall be made in writing and shall be distributed or mailed to all parties to the application.

In the event an application is recommended for approval with conditions by the Planning Commission, such conditions shall be communicated to the applicant and to the Board of Supervisors in writing before the next regular meeting of the Board of Supervisors.

D. Board of Supervisors Review. The Board of Supervisors shall hold a public hearing, pursuant to public notice as required by the Pennsylvania Municipalities Planning Code, within sixty (60) days of the date of acceptance by the Township of the application, and render its decision not more than forty-five (45) days following the date of the public hearing, unless the applicant agrees in writing to an extension of that deadline. The decision of the Board shall be delivered to the applicant personally or mailed to him not later than the day following its date. Failure of the Board to hold a public hearing within sixty (60) days of the date of acceptance of the application without the written concurrence of the applicant and to render its decision no more than forty-five (45) days following the date of the public hearing shall constitute a deemed approval by the Board of Supervisors as submitted.

E. Denial of Application. An application for conditional use shall be denied if the Board finds:

1. That the application and record fail to establish compliance with the standards made applicable to the proposed development by the provisions of this ordinance; or

2. If the proposed use, developed in the proposed manner and at the proposed location, shall be inconsistent with the standards applicable to it pursuant to the provisions of this ordinance; or

3. If the adverse impacts of the use or development, after taking into consideration any proposals of the applicant and any conditions that might be imposed by the Board pursuant to the provisions of this ordinance to ameliorate them, outweigh any public or private benefits of the proposal and require denial of the conditional use application in the interest of the overall public health, safety and welfare.

F. Approval With Conditions. The Board may, in approving any conditional use application, impose such restrictions and conditions on such approval, the proposed use and/or the premises to be

developed or used pursuant to such approval as it determines are required by the general purposes, goals and objectives of the Comprehensive Plan and this ordinance, to prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the general health, safety, morals and welfare of the Township. All conditions imposed upon any conditional use permit approval, with the exception of conditions made applicable to such approval by the express terms of this article, shall be definitively set forth in the findings and decision granting such conditional use permit. These conditions shall be enforceable by the zoning officer and failure to comply with such conditions shall constitute a violation of this Ordinance. The applicant shall acknowledge agreement to any and all conditions imposed on the approval in writing.

9.04 Compliance

A. Every conditional use permit shall be conditioned upon the proposed development or use complying with all requirements of this article, other applicable requirements of the Lower Frankford Township Zoning Ordinance, including Section 11.02 Performance Standards, the Lower Frankford Township Subdivision and Land Development Ordinance, and any other applicable Township, State or Federal laws. The violation of any condition of approval shall be considered a violation of this article.

B. Time Limitation

1. If a Conditional Use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the Conditional Use is granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines;

2. Subject to the final sentence of Section 9.04.B.1 above relating to extensions, should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors;

3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted Conditional Use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the Conditional Use that revocation or rescission of the

action is justified; and,

4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board of Supervisors the granting of a timetable associated with the request which would supersede the deadlines imposed. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board of Supervisors must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project

9.05 General Use Standards

No application for a conditional use permit shall be approved unless the Board of Supervisors specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

A. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this article or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice by the Township.

B. The proposed use shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, including emergency services such as police, fire protection or ambulance.

C. The proposed use shall be adequately served by and shall not impose an undue burden on any existing improvements, facilities, utilities or services including emergency services such as police, fire protection and ambulance. Where any such existing improvements, facilities, utilities or services are not adequate to service the proposed use in the proposed location, the applicant shall as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide for, extend or upgrade such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the Comprehensive Plan, this Zoning Ordinance, and other plans, programs, maps and ordinances adopted by the Township to guide its growth and development.

D. The proposed use meets all specifically listed standards which apply to its class of conditional uses as set forth in this article.

E. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use.

F. The applicant shall establish by credible evidence that the proposed conditional use shall be properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this

Ordinance and any other governing regulation.

G. The applicant may be required to prepare a transportation study to demonstrate that additional vehicles shall not cause adverse effects on roads as shown on the Zoning Map. The study shall indicate current road conditions including width, horizontal and vertical curves, sight distances at intersections, and anticipated weight limitations for all roadways expected to be utilized within the Township for a distance of three (3) miles from the site.

H. For development within the Floodplain Overlay Zone, that the application complies with those requirements listed in Article 7 of this Ordinance.

I. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Municipalities Planning Code.

9.06 Additional Standards For Specified Conditional Uses

No application for issuance of a conditional use permit shall be approved unless the Planning Commission finds, and the Board of Supervisors concur, that in addition to complying with each of the general standards listed in 9.05 and all other applicable ordinances and regulations, each of the following specific standards - as applicable to the particular use enumerated - are met.

9.07 Adult-Related Use

A. In the (AR) zone adult-related uses are permitted by conditional use subject to the following special regulations:

1. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure.

2. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.

3. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter.

4. No adult-related use may change to another adult-related use, except upon approval of an additional conditional use.

5. No building occupied by an adult related use shall be located within one thousand feet (1,000) of an existing residential property line or any lot containing a school, day care facility, park, playground, library, hospital, nursing/retirement home, public swimming pool, or place of worship.

7. No sexual activity or conduct shall be permitted.
8. No person shall operate an adult entertainment establishment without first obtaining a use and occupancy or zoning permit as provided in this Ordinance and all other applicable permits required by law. The permit will be reviewed annually for compliance. The Zoning Officer will also perform regular inspections.
9. All adult-related uses shall provide adequate screening from existing adjacent residences.

9.08 Apartment Conversion

A. In the (VR) zone apartment conversions shall be permitted by conditional use subject to the following special regulations:

1. Each lot or parcel of land so used has an area of not less than 1 acre and a width of not less than one hundred (100) feet at the building line.

2. No more than a total of six (6) dwelling units shall be located within the structure.

3. Each dwelling unit within converted buildings shall have not less than four hundred (400) square feet of floor area per unit.

4. Two (2) off-street parking spaces per unit shall be provided.

5. The applicant shall furnish evidence of an approved means of water supply and sewer disposal.

9.09 Automotive Repair Shop

A. In the (A), (AR), and (VR) zones Automotive Repair Shops including vehicle, agricultural equipment, electrical repair shops, small engine repair, welding shops and similar uses shall be permitted by conditional use subject to the following special regulations:

1. All paint work shall be performed within a building with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.

2. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots in accordance with this Ordinance.

3. All exterior storage areas shall be screened from adjoining residential properties and roads.

4. Any ventilation equipment outlets associated with the service/repair work area(s)shall

not be directly toward any adjoining residentially-zoned or utilized property.

5. The demolition or junking of vehicles and machinery is prohibited.

6. Service bay doors shall not face directed towards an abutting dwelling (not including a dwelling separated from the garage by a street).

7. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

9.10 Business Conversions

A. In the (AR) and (VR) zones Business Conversions shall be permitted as a conditional use subject to the following special regulations:

1. No outside storage of materials shall be permitted.

2. The applicant shall demonstrate that sufficient off-street parking facilities will be provided to accommodate the needs generated by such use.

3. The applicant shall demonstrate that adequate lot area and set-back provisions have been made in accordance with the purpose of this District.

9.11 Camping Grounds

A. In the (A), (AR) and (C) zones Camping Grounds shall be permitted as a conditional use subject to the following special regulations:

1. All campsites and outdoor play areas shall be located at least fifty feet (50') from any side or rear property line and at least one hundred and twenty-five feet (125') from any public street centerline and screened from adjoining residential uses and zones.

2. An internal road system shall be provided. These roads shall be an all-weather, dust free surface.

3. All campgrounds shall furnish centralized sanitary dump stations and garbage collection facilities that shall be set back a minimum of one hundred feet (100') from any property line. Such facilities shall be screened from adjoining residential properties.

4. Accessory retail or service commercial uses may be provided and shall be set back a minimum of fifty feet (50') from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residential parcels.

9.12 Car Wash Establishments.

A. In the (AR) and (VR) zones car wash establishments are permitted by conditional use subject to the following special regulations:

1. Minimum lot size: 2 acres.

2. Minimum lot width: 200 ft.

3. Minimum lot depth: 200 ft.

4. Minimum setback from all property lines: 50 ft. and 75 ft. from street centerline.

5. Minimum distance between any buildings, including accessory uses, and any residential property: 100 ft.

6. Minimum distance between any access driveway and residential driveway: 100 ft.

7. Spacing of access driveways:

   (a) Minimum distance from adjoining property lines: 10 ft.

   (b) Minimum distance from intersecting street lines: 200 ft.

   (c) Minimum distance between access driveways: 40 ft.

8. Maximum width of access driveways:
   Two-way traffic - 35 ft.
   One-way traffic - 20 ft.

9. Parking requirements:

   (a) A waiting or stacking area on the lot for incoming automobiles accessible to the entrance end of the washing equipment, to accommodate at least 3 automobiles for each lane provided in the washing area.

   (b) An area beyond the exit end of the washing equipment for at least 2 automobiles for each lane provided in the washing area.

10. Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.

11. All parking spaces and access driveways shall be paved with a weatherproof material.

12. A water feasibility study must be undertaken in order to demonstrate the availability of an adequate supply of water for the car wash establishment.

13. All car wash operations shall be required to utilize a water recycling system.

14. All car wash operations shall provide adequate screening from adjacent residential uses or residentially zoned properties.

9.13 Communication Antennas, Tower, Equipment

A. In the (A), (AR) and (C) zones Communication Towers are permitted by conditional use; and Communication Antennas (non-tower) are permitted by conditional use in all zones subject to the following special regulations:

B. In recognition of the quasi-public nature of personal wireless service facilities, the purpose of this subsection is:

1. To regulate the placement, construction and modification of Communication Antennas and Communication Towers to protect the public safety and welfare.

2. To minimize adverse effects of Communication Antennas and Communication Towers through proper design and siting.

3. To encourage Co-Location of Communication Antennas and the use of existing structures to reduce the number of such structures needed in the future.

4. To avoid potential damage to adjacent properties from Communication Tower failure and falling ice or debris, through engineering and proper siting of Communication Towers.

5. To ensure that Communication Antennas and Communication Towers will be removed in the event that such structures are abandoned or become obsolete and are no longer necessary.

C. Definitions.

1. Co-Location: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

2. Communication Antenna: Any devise used for the transmission or reception of radio, television, wireless, telephone, page, commercial mobile radio service or any other wireless communication signal, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

3. Communication Equipment Building: An accessory structure used to house communication equipment associated with a communication antenna or tower.

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

5. Modification: The improvement, upgrade or expansion of existing communication antenna, tower or existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

6. Replacement: The replacement of existing communication antenna on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

7. Substantial Change OR Substantially Changed: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

   a. for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

   b. for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

   c. for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground

if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. it entails any excavation or deployment outside the current site.

D. Communication antennas, towers, and equipment shall be subject to the following special regulations:

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

a. The proposed Communication Antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

b. The proposed Communication Antenna and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

c. Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

d. Addition of the proposed Communication Antenna and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

e. A commercially reasonable agreement cannot be reached with the owner(s) of such structure.

f. That technological evidence establishes the Communications Tower/Antenna must go where it is proposed in order to satisfy its function in the gridsystem and the providing of the quality of service required by law.

2. Any applicant proposing construction of a new Communication Tower shall

demonstrate that a good faith effort has been made to obtain permission to place such a tower on lands or rights-of-way owned or under control of the Federal, State or Local Government which would meet their needs.

3. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure.

4. The applicant shall provide proof that it is licensed by the Federal Communications Commission to operate a Communication Tower, if applicable, and Communication Antenna, and that the proposed Communication Tower and Communication Antenna proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. The Communication Tower shall comply with all applicable Federal Aviation Administration, Commonwealth of Pennsylvania Bureau of Aviation, and any applicable building codes adopted by the Township.

5. All Communication Antenna/Towers shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable Federal and State technical, and safety codes. Federal and State agencies include but are not limited to the following: Federal Communications Commission (FCC), American National Standards Institute (ANSI), National Electrical Safety Code, National Electric Code, and National Association of Tower Erectors.

6. Inspection. Every twenty-four (24) months after the tower/antenna is put into operation the owner of the Communication Tower shall have the tower inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of Communication Towers and has demonstrated his/her expertise to the satisfaction of the Township. At a minimum, this inspection shall be conducted in accordance with the Telecommunications Industry Association (TIA) Standard 222, Structural Standards for Antenna Support Structures, Antennas and Small Wind Turbine Support Structures, or successor publications. A copy of said inspection report and certification of continued use shall be provided to the Township following the inspection. Any repairs advised by such report shall be affected by the owner within sixty (60) calendar days after the report is filed with the Township.

7. No Communication Antenna shall interfere with public safety communications or the reception of broadband, television, radio or other communication services.

8. General Siting Regulations.
   a. No Communication Tower shall be located within the Village Residential District

or within the right-of-way in the Village Residential District of the Township.

b. Non-Tower Communication Antennas are permitted by conditional use in all Zoning Districts and right-of-ways subject to the requirements of this section.

c. The minimum size of the owned parcel of land which is dedicated to a Communication Tower shall be 3.00 acres. If leased or combined with another use on a lot: Area needed to accommodate the Communication Tower/Antenna, and guy wires, accessory equipment, security fence and landscaping and screening.

d. Signage. Communication Towers shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Municipality.

e. Lighting. Communication Towers/Antenna shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

f. The most current technology available shall be employed in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

9. Yard Regulations.

a. Communication Towers shall, measured from the center of the tower, be set back from all property lines, not lease lines, the greater of a distance equal to one hundred ten percent (110%) of the height of the tower, including Communications Antennas, or to the standard residential setbacks applicable to the zoning district in which the Tower is to be located.

b. No Communication Tower shall, measured from the center of the tower, be located within 200 feet of any part of a current residential or occupied structure except with the written consent of all owners of such structures.

c. Communication equipment buildings shall comply with the setback provisions for accessory structure applicable to the zoning district in which the Tower is to be located. No communications equipment building may be occupied as a residential habitation.

d. All Communication Towers located outside the right-of-way, including Equipment Buildings, guy wires, and associated equipment shall be surrounded by a standard security fence.

e. Plant materials needed to form a visual screen shall be located along the perimeter of the security fence.

10. Height Regulations.

a. Communication Towers, including attached Communication Antennas, shall be kept to a minimum height needed to function in accordance with industry standards. In case of Co-Location, the Communication Tower height may be adjusted to account for other users. In no case shall any Communication Tower exceed the height of two hundred (200) feet.

b. Communication buildings shall not exceed fifteen (15) feet in height in any District of the Township.

11. Access.

a. Access shall be provided to the lot or leased parcel on which the Communications Tower or communications equipment building is located by means of a public street and/or easement to a public street. The private right-of-way and/or easement shall be a minimum of fifty (50) feet in width and shall meet the construction specifications set forth in Section 1003.S.2 in the Township Subdivision and Land Development Ordinance.

b. Driveway entrances or aprons within the street right-of-way shall be paved for a distance of thirty (30) feet from the street center line on Pennsylvania State routes and for a distance of twenty-five (25) feet from the street center line on Township routes. The pavement shall be no less than ten (10) feet wide and no more than twenty-four (24) feet wide. The contouring and drainage of driveway entrances shall conform with Township regulations.

c. Where applicable, the applicant shall present documentation to the Township that the property owner has granted an access easement for the proposed facility and maintenance responsibilities.

12. Safety in Rights-of-Way

a. The municipality shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communication Towers/Antennas in the right-of-way (ROW) based on public safety, traffic management, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the municipality and the requirements of the Public Utility Code.

b. Within 60 days following written notice from the Township, or such period as the Township determines is reasonably necessary, an owner of a Communication Tower/Antenna in the ROW shall, at its own expense,

temporarily or permanently remove, relocate, change or alter the position of any Communication Tower/Antenna when the Township determines it is necessary under any one of the following circumstances:

i. The construction, repair, maintenance or installation of any municipal or other public improvement in the right-of-way.
ii. The operations of the municipality or other governmental entity in the right-of-way.
iii. Vacation of a street or road or the release of a utility easement.
iv. An emergency as determined by the municipality.

c. All Communication Towers/Antenna and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic.

13. Replacement, Collocation, or Modification

a. An application for replacement, collocation or modification of a previously approved communication tower, antenna and support facilities shall be reviewed for conformance with the municipal building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change (see Section 9.15.C.7).

b. Replacement of communication antennas or support facilities on existing support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the municipality.

c. Any Substantial Change to an existing communication antenna or tower shall require approval of the municipality.

14. Removal.

a. If a Communication Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communication Tower within three (3) months of the expiration of such twelve (12) month period.

15. Procedures.

a. Any applicant proposing construction of a new Communication Tower shall submit plans to the Township for review by the Township staff and Planning Commission and for approval by the Board of Supervisors in accordance with the requirements of the Township Subdivision and Land Development

ordinance and the Township Zoning Ordinance. No such plans are required for a Communication Antenna to be Co-Located on an existing building, structure or tower.

b. Any applicant proposing a Communication Antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the Antenna will be mounted on the structure for review by the Lower Frankford Township zoning officer for compliance with applicable Township laws.

c. Review timeframe*.*

i. New Communication Tower

- Township shall notify the applicant in writing of any information that may be required to complete application within 30 days of the date the application was filed.
- Township shall approve or deny an application within 150 days of submission.

ii. Non-Tower Communication Antenna

- Township shall notify the applicant in writing of any information that may be required to complete application within 30 days of the date the application was filed.
- Township shall approve or deny an application within 90 days of submission.

9.14 Contractor Offices and Professional Offices

A. Within the (A) and (AR) zones Contractors offices are permitted by conditional use; and within the (AR) zone Insurance, Professional Offices are permitted by conditional use subject to the following criteria:

1. All exterior storage areas shall be screened from adjoining residential properties.

2. The applicant will furnish evidence that the proposed use will not be detrimental to the use of adjoining residential properties due to hours of operation, noise, light, litter, dust, and pollution.

3. No machinery, equipment, or materials shall be stored in required front, side, or rear building setback areas.

9.15 Distribution Center, Truck Stop, Wholesale Trade, and Truck Terminals

A. In the (AR) zone Distribution Centers including truck terminals, wholesale trade establishments, and truck stops are permitted by conditional use, subject to the following criteria:

1. The subject property shall have a minimum of three hundred feet (300') of road frontage along a State road.

2. The subject use, which shall include truck parking but exclude employee parking, shall be located no closer than five hundred feet (500') from a (VR) Zone, an adjoining residential property, and/or property containing a school, daycare facility, park, playground, library, hospital, or nursing / retirement home.

3. A planting screen of evergreen trees and shrubs shall be provided to adequately screen the facility from adjacent residential use. Screening may incorporate earthen berms to improve sound as well as visual buffering.

4. Air compressors, fuel pump islands and kiosks and other structures may not be within seventy-five (75') of the centerline of a street and comply with principal side and rear setbacks.

5. All access drives onto the same road shall be at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges.

6. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.

7 The outdoor storage of unlicensed vehicles is prohibited.

8. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival.

9. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.

10. The applicant shall submit a traffic impact study as governed by the Lower Frankford Township Subdivision and Land Development Ordinance.

11. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations. In addition, the applicant shall prepare, present and abide by an emergency response plan to handle hazardous material spills and any other reasonable threat to public health or safety.

9.16 ECHO Housing

A. In the (A), (AR) and (VR) zones Echo Housing is permitted by conditional use subject to the following criteria:

1. The ECHO Housing may not exceed one thousand (1,000) square feet of floor area;

2. The total lot coverage for the principal dwelling, any existing accessory structures, the ECHO Housing, and impervious surfaces together shall not exceed the maximum requirement for the zone in which the ECHO housing is located;

3. The ECHO Housing shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption;

4. The ECHO Housing shall be occupied by a maximum of two (2) people;

5. Utilities
   a. For public sewer and water supply and all other utilities, the ECHO housing shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and

   b. If on-site sewer or water systems are to be used, the applicant shall submit evidence to Lower Frankford Township showing that the total number of occupants in both the principal dwelling and the ECHO Housing will not exceed the maximum capacities for which the original septic systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted.

6. The ECHO Housing shall not be permitted in the required front yard setback and shall adhere to all side and rear yard setback requirements for principal uses.

7. The ECHO Housing shall be removed from the property or reestablished as a use permitted in the district in compliance with the Subdivision and Land Development Ordinance to the extent necessary, within twelve (12) months after it is no longer occupied by a person who qualifies for the use; and ,

8. Upon the proper installation of the ECHO Housing, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed and applied for every twelve (12) months.

9. Subject to compliance with the above criteria, Echo Housing shall be considered an accessory use and shall not require submission of a land development plan.

9.17 Funeral Homes and Crematoriums

A. In the (AR) zone Funeral Homes and Crematories shall be permitted by conditional use subject to the criteria below:

1. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations; and,

2. Parking shall be designed to prevent traffic backups onto adjoining roads.

3. A one hundred foot off-street stacking area for the formation of the funeral procession shall be provided on the site.

4. No funeral procession will be allowed to form on public streets.

9.18 Gasoline Service Station

A. In the (AR) and (VR) zones gasoline service stations, including gasoline sales as a part of convenience store, mini-market or other retail operations, are permitted by conditional use subject to the following special regulations:

1. Minimum lot size: 2 acres.

2. Minimum lot depth: 200 ft.

3. Minimum lot width: 200 ft.

4. Minimum setback line from all property lines: 50 ft. and 75 ft. from street centerline.

5. Minimum distance between any buildings, including accessory uses, and any residential property: 100 ft.

6. Minimum distance between any access driveway and any residential driveway: 100 ft.

7. Minimum distance between gasoline pump islands, compressed air connections, and similar equipment and facilities and any right-of-way line: 40 ft. and 65 ft. from street centerline.

8. Maximum width for access driveways:
Two-way traffic - 35 ft.
One-way traffic - 20 ft.

9. Spacing of access driveways:

(a) Minimum distance from adjoining property lines: 10 ft.

(b) Minimum distance from intersecting street lines: 200 ft.

(c) Minimum distance between access driveways: 40 ft.

10. Hydraulic hoists, pits, and all lubrication, greasing, washing and repair equipment shall be entirely enclosed within buildings.

11. Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.

12. Wrecked or junked or stripped vehicles in an inoperative condition shall be repaired, and stored within the structure, or within a six (6) foot screening fence.

13. No gasoline or petroleum products shall be allowed to enter any sanitary or storm drainage water sewage systems.

14. All waste petroleum products shall be stored in underground tanks as approved by the National Fire Protection Association.

15. All gasoline service stations shall provide adequate screening from existing adjacent residences.

9.19 Golf Courses

A. In the (AR) zone Golf Courses are permitted by conditional use subject to the following criteria:

1. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, or public street, access drive, or driveway;

2. All golf course buildings and uses shall be set back seventy-five feet (75') from the centerline of adjoining roads and one hundred feet (100') from adjoining residential parcels;

3. Golf courses may include accessory uses and recreation amenities, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users.

4. Any driving range as part of the golf course shall include appropriate netting or other devices to prevent balls from leaving the property.

B. The construction of a golf course shall be considered a "development" and subject to all appropriate requirements of the Township and the Subdivision and Land Development Ordinance.

C. In addition to requirements of the Lower Frankford Township Subdivision and Land Development Ordinance, the plans shall include the following information:

1. Water use plan, including emergency condition usage;

2. Mosquito control; and

3. Nutrient plan to ensure the use, runoff controls, and disposal of nitrates, herbicides, pesticides, fungicides or other fertilizer is in compliance with applicable law.

D. Any points where the golf course crosses a road, driveway, or parking lot shall be signed, warning motorists and pedestrians.

E. In addition to the setback regulations of the district in which the use is located, the following setback regulations shall be required.

1. Fairways and greens shall be set back a minimum of:

a. One hundred and fifty (150) feet from any residential or nonresidential structures on lots abutting the golf course. For undeveloped residential or nonresidential lots abutting the golf course, the one hundred fifty foot setback shall be measured from the closest setback line of the abutting property.

b. One hundred and seventy-five (175) feet from the centerline of an existing street.

9.20 Halfway House

A. In the (AR) zone Halfway Houses shall be permitted by conditional use subject to the following criteria:

1. A halfway house must be licensed where required by an appropriate government agency(s) and shall be in compliance with all applicable rules and regulations of the licensing body(s). A copy of any required license must be delivered to Lower Frankford Township prior to beginning the use.

2. A halfway house shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.

3. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.

4. The halfway house shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, day-care center or public library.

5. The halfway house shall not be located within 1,000 feet of another halfway house.

6. Each conditional use application shall be accompanied by a statement describing the following:

a. The policies and goals of the halfway house and the means proposed to accomplish those goals;

b. The characteristics of the residents and number of residents to be served; and

c. Any other facts relevant to the proposed operation of the halfway house.

7. Any use permit granted for the halfway house shall be bound to the type and number of residents listed on the application. Any change in the type or number of residents being housed shall require a new hearing before the governing body.

9.21 Hotels and Motels

A. Within the (AR) zone Hotels and Motels shall be permitted by conditional use subject to the following criteria:

1. Minimum lot area shall comply with the underlying zoning district.

2. All buildings and structures shall be set back a minimum of fifty feet (50') from the side and rear lot lines.

3. A landscape plan shall be required. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved.

4. Landscaping and screening of off-street parking shall comply with standards in Section 11.16.

5. Landscaped areas shall be continually maintained. Care, grooming and replacement of dead plants shall be included as part of the required maintenance.

9.22 Intensive Agricultural Operations

A. Within the (A) Zone, an intensive agricultural operation including concentrated animal feeding operations (CAFO) and concentrated animal operations (CAO) shall be permitted as a conditional use subject to the following criteria:

1. The parcel of contiguous land owned by the owner of an intensive agricultural operation shall be and remain at least 50 acres in the Agricultural Zoning District.

a. Irrespective of the provisions of this section, any intensive agricultural operation in existence prior to the enactment of this Ordinance may not expand such operation without obtaining a conditional use approval from Lower Frankford Township.

b. Any building or building addition constructed after the date of the enactment of this chapter to house animals in an intensive agricultural operation must maintain the following setbacks:

(1) From a property in the AR, C, and VR zones: 500 feet.

(2) From a property in the A zone: 200 feet.

(3) From a watercourse: 100 feet.

(3) From a well not owned by the owner of the intensive agricultural operation: 150 feet.

(4) Buildings housing animals shall not be located within the floodplain.

2. The owner of the intensive agricultural operation must establish and maintain an access to the operation so that all motor vehicles making a right turn whether entering or leaving the property can do so without first having to enter the left-hand side of the public highway.

3. The intensive agricultural operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.

4. The intensive agricultural operation must ensure dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection.

5. New construction or expansion of Concentrated Animal Feeding Operations (CAFOs) or Concentrated Animal Operation (CAOs) shall have an approved Odor Management Plan in accordance with Pennsylvania Act 38 Nutrient and Odor Management Act. A copy of the approved Odor Management Plan shall be provided to the Township, along with any subsequent amendments and notices of violations by the Department of Environmental Protection.

9.23 Junk Yards

A. In the (AR) zone junk yards, as defined in this ordinance, are permitted by conditional use subject to the following special regulations:

1. All junk yards shall be enclosed by a fence. All junk material, including but not limited to scrap metal, papers, rags, glass, containers, structures, junked motor vehicles, junked trailers, machinery and or equipment, shall be stored inside the enclosed fencing. The fence shall be constructed of solid material, such as masonry, corrugated metal, screened cyclone fencing or wood that obscures the view of the junk yard from the public right-of-way and from adjoining properties. The fence shall be at least six (6) feet high and shall contain a lockable gate made of similar solid material, which shall be kept closed and locked when not attended. The gate and all fencing shall be maintained in good condition and shall not be allowed to deteriorate or become unsightly. There shall be no advertising of any form placed on the fencing.

2. The fence enclosing a junk yard shall be set back at least fifty (50) feet from the centerline of any public street or road, and shall be set back a minimum of fifty (50) feet from existing residential property lines, and ten (10) feet from all other property lines.

3. The setback area between the fence and the lot lines shall be kept free ofweeds.

4. All junk shall be stored and arranged so as to permit access by firefighting equipment, and to prevent the accumulation of stagnant water. Junked automobiles shall be arranged in single or double rows, stacked no higher than the height of the fence, with at least fifteen feet between rows. All gasoline and oil shall be drained from junked vehicles, and shall be stored in one location on the premises until properly discarded.

5. No garbage or organic waste shall be permitted to be stored in any junkyard.

6. Junk yards shall, at all times, be maintained in such a manner so as not to cause public or private nuisance, nor cause any menace to the health or safety of any persons off the premises, nor cause any noxious or offensive smoke or odors, nor cause the breeding, harboring or infesting of rats, rodents or vermin, nor cause a violation of any health or sanitation law, ordinance or regulation of any governmental body.

9.24 Kennels

A. Within the (A) and (AR) zones Kennels shall be permitted by conditional use subject to the following criteria:

1. All areas used for exercise shall be securely fenced.

2. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of 200 feet from any adjacent residential property line whose owner is other than the animal building owner.

3. Animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.

4. The applicant must demonstrate compliance with 7 Pa. Code, Chapter 21 “General Provisions; Kennels, Licensure; Dog-Caused Damages” and the Pa. DogLaw.

9.25 Landfill, Solid Waste Disposal/Processing Facility

Within the (AR) zone landfills and solid waste disposal/processing facilities are permitted by conditional use subject to the following criteria:

1. The site shall be duly licensed by the Pennsylvania Department of Environmental Protection.

2. No facility shall be placed on any lands with a water table less than eighty (80) inches below the surface, or a seasonally high water table, as defined by the USDA Natural Resource Conservation Service, Web Soil Survey.

3. No facility shall be located on a parcel of less than 50 acres.

4. The applicant shall prepare a transportation study to demonstrate that vehicles using the facility shall not cause adverse effects on roads as shown on the Zoning Map. The study shall indicate current road conditions including width, horizontal and vertical curves, sight distances at intersections, and anticipated weight limitations for all roadways expected to be utilized within the Township for a distance of three (3) miles from the site. The Township may require the testing of pavement core samples.

5. No lands classified as possessing prime agricultural soils, as listed in the USDA Natural Resource Conservation Service, Web Soil Survey, shall be utilized for any such facility.

6. All activities shall be enclosed by an opaque fence, not less than six (6) feet in height.

7. All activities, including grading, compaction, filling, dumping, processing, transfer and disposition, shall be supervised at all times of operation by a qualified facility operator.

8. A contingency plan for the disposal of waste during a facility shutdown shall be provided.

9. A plan for controlling wind-blown debris, odor, insects and vermin, and lighting shall be provided.

10. No processing or landfill operations shall be permitted within fifteen hundred (1500) feet of any lot line of a residentially used property.

11. In addition to required fencing, the use shall be screened from all roads and adjoining properties with vegetation.

12. All uses shall provide stacking lanes of sufficient length, within the facility, so that vehicles waiting to be weighed, loaded or unloaded will not back up onto public roads.

13. All driveways into the site must be paved for a minimum distance of three hundred (300) feet from the street right-of-way line.

14. Access to the site shall be controlled to prevent unauthorized dumping.

15. Leachate shall be disposed in compliance with any applicable State and Federal laws or regulations. Leachate shall not be disposed of in any storm sewer, to the ground, or in any other manner inconsistent with the regulations of the Pennsylvania Department of Environmental Protection.

16. The applicant shall submit an analysis of raw water needs (ground water and/or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

17. A water feasibility study will be provided to enable the Township to evaluate the impact of the proposed use on the ground water supply and on existing wells, to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township Engineer.

    A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate ground water recharge considering the water withdrawn by the proposed development shall not be approved by the Township.

    A water feasibility study shall include the information required in the Performance Standards for Ground Water Quality and Quantity (Section 11.02.12).

18. A buffer strip of at least fifty (50) feet shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within the buffer strip. Fences or other screening material erected or planted on the site shall not be located within the buffer strip.

9.26 Landscape and Horticultural Services

A. Within the (AR) zone Landscape and Horticultural Services are permitted by conditional use subject to the following criteria:

1. All exterior storage areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and residential properties.

2. No machinery or equipment shall be stored in the required front, side, or rear building setback areas.

3. Any retail or wholesale sales on the site shall be incidental and accessory to the landscape and horticultural services provided.

9.27 Manufacturing

A. Within the (AR) zone Manufacturing is permitted by conditional use subject to the following criteria:

1. Describe the nature of the on-site processing operations, the materials used in the process, the products produced, and the methods of disposal of any by–products.

2. Describe any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration. electrical disturbance, wastewater, stormwater, solid waste, etc.) and measures employed to mitigate any negative impacts.

3. No machinery, equipment, or materials shall be stored in required front, side, or rear building setback areas.

4. The subject use, which shall include truck parking but exclude employee parking, shall be located no closer than seventy-five feet (75') from a (VR) Zone, an adjoining residential property, and/or property containing a school, daycare facility, park, playground, library, hospital, or nursing / retirement home.

5. A planting screen of evergreen trees and shrubs shall be provided to adequately screen the facility from adjacent residential uses. Screening may incorporate earthen berms to improve sound as well as visual buffering.

6. All unpaved building setback areas shall be covered with grass or similar vegetative material.

7. All equipment shall be stored or arranged in an orderly fashion so that circulation for fire safety can be maintained at all times.

9.28 Medical/Urgent Care Center

A. Within the (AR) zone Medical/Urgent Care Centers are permitted by conditional use subject to the following criteria:

1. Emergency entrances shall be located on a building wall facing away from adjoining residential properties.

2. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations.

9.29 Mini-Storage Warehouse

A. Within the (AR) and (VR) zones Mini-Storage Warehouses are permitted by conditional use subject to the following criteria:

1. No business activities, other than rental of storage units, shall be conducted on the premises.

2. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

3. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.

4. All access drives, parking and loading areas must be maintained with a dustless surface and shall be mud free.

5. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet (26') wide when storage units open onto one side of the lane only, and at least thirty feet (30') wide when storage units open onto both sides of the lane, and be designed to accommodate emergency vehicles.

6. External storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residential properties, and is located behind the minimum front yard setback line.

9.30 Quarry

A. Within the (AR) zone Quarries are permitted by conditional use subject to the following criteria:

B. As part of each application, the applicant shall furnish an accurate survey site plan showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:

1. The boundaries of the proposed affected area, together with drainage area above and below the area.

2. The location and names of the types of resources to be extracted or quarried and all natural and man-made features, such as streams, roads, railroads, and utility lines, on or immediately adjacent to the area.

3. The location of all buildings within 1,000 feet of the parcel; and the names and addresses of the owners.

4. The purpose for which each proposed building is used.

5. Proposed alterations to watercourses to assure stream quality and quantity.

6. Any proposed fencing and landscaping.

7. A contour map showing cross sections of any proposed quarry area.

C. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Board of Supervisors a hydrogeological study performed by a qualified hydrogeologist or other similar professional. Such study shall contain the sources of all test data, including but not limited to wells evaluated as part of the study; and shall clearly set forth the conclusions and recommendations of the professional.

D. A traffic study shall be submitted by the applicant in accordance with the Subdivision and Land Development Ordinance.

E. At the time of application for a conditional use, an operations statement shall be submitted which shall describe methods for satisfactorily handling operations with respect to the emission of noise, dust, blast, smoke, refuse matter or water, odor, gas, fumes or similar substances or conditions which may endanger the health, safety or general welfare. All pollution, soil erosion and sedimentation control, and other environmental problems created during the operation shall be corrected by the operator.

F. At the time of application for a conditional use, a reclamation plan shall also be submitted setting forth the following information:

1. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries and legal description of the tract.

2. A description of the location, type, extent, methods and time schedule for the operation proposed.

3. A drawing showing the location of natural and man-made facilities on the tract or adjacent tracts that may require protection, repairs, or clearing either during or following the completion of the operations proposed.

4. A plan for reuse of the land after completion of the operations.

G. The operator shall demonstrate that the facility shall at all times comply with all applicable state and federal statutes and regulations.

H. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over such a facility.

I. The operator shall provide Lower Frankford Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks from the date such notice of violation was received by the operator.

J. Screening. A fence measuring eight feet high must enclose the area of actual quarrying. It shall not be less than 50 feet from the edge of excavation. A vegetative screen must be provided along the outside of the fence. Such screening, plantings and fencing shall be permanently maintained.

K. Setbacks. Quarry operations shall maintain a three hundred feet (300) setback from all property lines. No structures or parking areas shall be located closer than one hundred feet (100) to any property line.

L. Waste products or waste containers shall not be placed within required setbacks. All such containers shall be completely enclosed by a solid fence or wall.

M. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gate, and other means to deny access at unauthorized times.

N. Sufficiently long vehicle-stacking lanes into the facility shall be provided so that waiting vehicles to be weighed will not backup onto public roads.

O. There shall be no operations on Sunday and no operation between 7:00 p.m. and 5:00 a.m. on other days.

P. Within 90 days after the commencement of surface mining operations and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer and/or Lower Frankford Township Engineer setting forth the following:

1. The name and address and telephone number of the operator.

2. The location of the operation with reference to the nearest public road.

3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpiles, quarry pits, etc.

4. The name and address of the landowner or his duly authorized representative.

5. The current status of the reclamation work performed pursuant to the approved reclamation plan.

6. A maintenance report for the site verifying that all required fencing and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance have been performed.

7. Verification that the proposed use continues to comply with all applicable state regulations. The operator shall furnish copies of any approved permits and/or any notices of violations issued by the Pennsylvania Department of Environmental Protection to the Zoning Officer and/or Township Engineer.

9.31 Retail Business, Business Service, and Personal Service

A. Within the (A) zone Business Services and Personal Services are permitted by conditional use; and within the (AR) and (VR) zones Retail Business, Business Services and Personal Services are permitted by conditional use subject to the criteria listed below. Retail Businesses include

Sporting Goods stores, Used Merchandise stores, Automobile/Mobile Home dealers, Eating and Drinking establishments and other Retail Business as defined in this ordinance.

1. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, noise, and/or litter.

2. Any outdoor storage area shall be screened from view by solid fencing or coniferous plantings at least five (5) feet in height.

3. Buffer yards and screening regarding parking shall be in accordance with Section 11.16.C.

4. All Retail, Business and Personal Service operations shall provide adequate screening from adjacent residences.

9.32 Retirement Facility

A. Within the (AR) zone Retirement Facilities are permitted by conditional use subject to the following criteria:

1. The retirement facility is designed primarily for persons aged 55 and over.

2. The following uses shall be permitted as principal uses within the retirement facility.

   a. Residential uses (all types).

   b. Long-term care nursing center.

   c. Assisted living facility.

   d. Public uses: recreation areas, libraries, and community buildings.

   e. Institutional uses: churches and similar places of religious worship.

3. The following accessory uses shall be permitted for the use of residents and guests:

   a. Adult and child day care.

   b. Dispensaries and Medical facilities.

   c. Banks and financial institutions.

   d. Retail Business.

   e. Personal Service.

f. Each accessory commercial use shall not exceed 2,500 square feet of net floor area (for accessory commercial uses, net floor area as defined herein shall exclude food preparation areas and lavatories).

4. Maximum density for residential units shall be eight (8) units per acre.

5. Maximum impervious lot coverage shall be 60%.

6. Yards shall meet the minimum setback requirements of the zoning district.

7. Minimum interior yard spacing of 30 feet between principal buildings on the same lot.

8. A landscaping plan for the entire tract shall be required. Landscaped areas shall be continually maintained by the landowner or retirement facility association.

9. The retirement facility shall provide proof that all applicable state, county and municipal licenses have been obtained.

9.33 Shooting Range

A. Within the (A) and (AR) zones Shooting Ranges are permitted by conditional use subject to the following criteria:

1. Minimum lot area: 10 acres.

2. Minimum lot width: 300 feet.

3. All range facilities including buildings, parking, and firing range shall be at least 200 feet from any property or street right-of-way line. The use must also be located at least 1,000 feet from any existing residential dwelling.

4. An earthen background berm must be provided within 20 feet of the farthest target post to prevent ricocheting bullets or stray arrows. The berm shall meet the following requirements:

a. The berm shall have a slope of not less than one vertical to two horizontal feet and must extend at least eight feet above the ground level of the highest target.

b. The crest of the berm at the eight-foot-minimum height limit shall be at least four feet in width as measured between the wall of the berm facing the range and the opposite wall.

c. Earthen side berms, as described above, shall be provided immediately adjacent to the range and shall extend far enough to contain any ricochets, but no less than fifty (50) feet from the background berm toward the firing line.

d. Shooting Range Operations: Shall not damage the health, safety or welfare of the area residents and property owners.

e. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm.

f. Shall limit the number of active shooters to the number of firing points or stations identified on the development plan.

g. Alcoholic beverages are prohibited on the shooting range.

h. Hours of operation shall be limited to 8:00 a.m. to dusk.

5. A development plan shall identify the Safety Fan for each firing range. The Safety Fan is the area on the shooting range facility designed to contain all projectiles fired from the shooting range, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.

6. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.

9.34 Solar Energy System, Commercial

A. Within the (A) and (AR) zones Commercial Solar Energy Systems are permitted by conditional use subject to the following criteria:

1. The Commercial Solar Energy System layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations. It shall comply with the PA Uniform Construction Code as enforced by Lower Frankford Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

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

a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

3. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

4. The owner of a Commercial Solar Energy System shall provide the Township written confirmation that the public utility company to which the system will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

5. No portion of the Commercial Solar Energy System shall contain or be used to display advertising. The manufacturer's name, equipment information or ownership shall be allowed provided it complies with the sign regulations.

6. Glare. All Solar Energy Systems shall be placed such that concentrated glare does not project onto nearby structures or roadways. The applicant has the burden of proving that any glare produced does not have an adverse impact on neighboring or adjacent uses either through siting or mitigation.

7. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

8. Decommissioning:

a. The owner is required to notify the Township immediately upon cessation or abandonment of the operation. The Commercial Solar Energy System shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months**.**

b. The owner shall then have twelve (12) months in which to dismantle and remove the Commercial Solar Energy System including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the system within the established timeframes, the municipality may complete the decommissioning at the owners expense.

c. The system owner or operator shall post and maintain decommissioning funds in an amount 100% of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted and maintained with a bonding company or lending institution chosen by the system owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by Lower Frankford Township.

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

10. Solar Easements. Where a subdivision or land development proposes a Commercial Solar Energy System, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.

11. Permit Requirements
    a. Commercial Solar Energy Systems shall comply with the Township subdivision and land development requirements. The installation of systems shall be in compliance with all applicable permit requirements, codes, and regulations.
    b. The owner and/or operator shall repair, maintain and replace the system in a manner consistent with industry standards as needed to keep the system in good repair and operating condition.

12. Ground Mounted Commercial Solar Energy Systems:
    a. Minimum lot size - The system shall meet the lot size requirements of the underlying zoning district.
    b. Setbacks - Systems shall comply with the setbacks of the underlying zoning districts for principal structures.
    c. Height - Systems shall not exceed twenty (20) feet in height.
    d. Impervious Coverage
        (1) The ground area beneath the solar panels shall be considered pervious cover. However, use of impervious cover materials under the system, such as foundations for monopoles, shall be subject to impervious coverage limitations of the zoning district.
        (2) The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.
        (3) Owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.
    e. Ground mounted systems shall be adequately screened from adjoining residential uses.

f. Ground-mounted systems shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

g. Security

(1) All ground-mounted systems shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

(2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the system informing individuals of potential voltage hazards.

h. The ground mounted system shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

13. Roof and Wall Mounted Commercial Solar Energy Systems:

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

b. Systems mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

9.35 Wind Energy System, Commercial

A. Within the (A) and (AR) zones Commercial Wind Energy Systems are permitted by conditional use subject to the following criteria:

1. The layout, design, and installation of Commercial Wind Energy System shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of Lower Frankford Township. The manufacturer specifications shall be submitted as part of the application.

2. Applicants shall submit land development and/or subdivision plans which shall be compliant with all land development/subdivision ordinance requirements of Lower Frankford Township.

3. The applicant shall provide sufficient documentation showing that the system will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation (BOA).

4. The Commercial Wind Energy System shall provide Lower Frankford Township written confirmation that the public utility company to which the system will be connected has been informed of the intent to install a grid connected system and approved of such connection.

5. All Commercial Wind Energy System shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip and other systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

6. Visual Appearance

   a. All on-site utility, transmission lines, and cables shall be placed underground.

   b. The system shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently from FAA or BOA regulations.

   c. The system shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.

   d. The display of advertising is prohibited except for identification of the manufacturer of the system, facility owner and operator.

   e. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the system.

   f. Accessory Buildings, Structures, Mechanical Equipment

      (1) Accessory structures and equipment associated with Commercial Wind Energy System shall be screened from any adjacent property that is used for residential purposes.

      (2) The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the structures into the natural setting and existing environment.

7. Warnings and Safety Measures

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

   b. All access doors to the system including electrical equipment, outbuildings and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.

c. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.

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

e. The potential ice throw or ice shedding for a Commercial Wind Energy System shall not cross the property line of the lot on which the system is located nor impinge on any right-of-way or overhead utility line.

f. The applicant will provide a copy of the project summary and site plan to local emergency services.

g. Facility owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines. Upon request the applicant, facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for thesystem.

8. Zoning Requirements

a. Lot size - minimum of two (2) acres.

b. Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.

c. Setbacks - Wind Turbines shall be set back from the nearest property line, occupied buildings, above ground utility lines (including guy wires), railroads and road right-of-ways a distance of not less than 1.1 times its total height. Wind Turbines shall be set back at least 2,000 feet from Important Bird Areas as identified by Pennsylvania Audubon.

d. Accessory buildings, structures, and related equipment to the system shall comply with the building setback requirements of the underlying zoning district.

e. Height - There shall be no specific height limitation, so long as the total height meets setback requirements, except as imposed by FAA regulations.

f. The minimum Ground Clearance shall be thirty (30) feet.

9. Operational Standards

a. Use of Public Roads

(1) The applicant shall identify all state and local public roads to be used within Lower Frankford Township to transport equipment and parts for construction, operation or maintenance of the Commercial Wind Energy

System. The Township's engineer, or a qualified third party engineer hired by the Township and paid for by the applicant, shall document public road conditions prior to construction of the system. The engineer shall document road conditions within thirty (30) days after construction of the permitted project is complete, or as soon thereafter as weather may allow.

(2) The Township may require applicant to secure a bond for the road(s) to be used within the Township in compliance with applicable regulations at an amount consistent therewith; or, if not provided by regulation, an amount set at the discretion of the governing body in consultation with the Township engineer.

(3) Any road damage caused by the applicant, facility owner, operator, or contractors shall be promptly repaired to the Township's satisfaction at the expense of the applicant and/or facility owner.

(4) The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged public roads.

(5) Every effort should be made to use existing roads. New deforestation and forest fragmentation shall be kept to a minimum. Private entrance roads to the system must be maintained in a mud-free condition.

b. A Wind Turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

c. Shadow Flicker – alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

(1) A Wind Energy System shall not cause shadow flicker on any occupied building on a non-participating landowner's property.

(2) A Wind Energy System shall be designed in such a manner as to minimize shadow flicker on a roadway.

(3) The facility owner and operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non-participating property.

d. Facility owner and/or operator shall ensure that the design and operation of any Commercial Wind Energy System avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.

e. The applicant shall provide a proposed foundation design and analysis of soil conditions by a professional engineer.

f. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

10. Decommissioning

a. The facility owner or operator shall, at his expense, complete decommissioning of the Commercial Wind Energy System and all related improvements within twelve (12) months of the date when the use of the particular system has been discontinued or abandoned or upon termination of the useful life of same. The system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a continuous period of twelve (12) months.

b. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

c. Disturbed earth shall be graded, re-seeded and/or reforested to reclaim the site back to its predevelopment condition, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

d. An independent and certified Professional Engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to Township after the first year of operation and every fifth year thereafter.

e. The facility owner or operator shall post and maintain decommissioning funds in an amount 100% of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted and maintained with a bonding company or lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by Lower Frankford Township.

f. Decommissioning funds may be in form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Lower Frankford Township.

g. If the facility owner or operator fails to complete decommissioning within the period prescribed above, then the land owner shall have six (6) months to complete the decommissioning.

h. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods described above, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating land owner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

11. Application Requirements. A conditional use application for a Commercial Wind Energy System shall include the following:

a. A narrative describing the proposed system, including an overview of the project, the project location, the approximate generating capacity of the system, the approximate number, representative types and height or range of heights of Wind Turbines to be constructed including their generating capacity,

dimensions and respective manufacturers, and a description of ancillary facilities.

b. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and the operation of the system and setting forth the applicant's and property owner's name, address and phone number.

c. Identification of the properties on which the proposed system will be located, and the properties adjacent to where the system will be located.

d. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the system to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.

e. A Decommissioning Plan sufficient to demonstrate compliance with subsection 10 above.

f. A wind resource study shall be submitted documenting wind resources at the site. The study shall include but is not limited to data showing average wind speeds capable of generating electricity and the available capacity to transmit the electricity into the power grid.

g. A noise study to determine the impact on neighboring properties.

h. A shadow flicker study in accordance with subsection 9.c above.

i. Other relevant studies, reports, certifications and approvals as required by this Ordinance or as may be requested by the Township to ensure compliance with this Ordinance.

j. Throughout the permit process, the applicant shall promptly notify the Township of any changes to the information contained in the conditional use permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

ARTICLE 10. NON-CONFORMING USES, STRUCTURES AND LOTS

10.01 Continuation and Expansion

A. The lawful use of a building or premises existing on the effective date of this ordinance may be continued, although such use does not conform with the provisions of thisordinance.

B. Such use may be expanded throughout the building or premises lawfully acquired previous to such date, provided that such expansion meets the provisions applicable to that use as given in the zoning district in which such use is designated either a permitted or conditional use. Where such use is a permitted or conditional use in more than one zoning district, the least restrictive zoning district requirements may be used.

C. Extension Along a Nonconforming Setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming front, side or rear setback line, provided that:

1. The structure shall not be extended beyond the existing nonconforming setbackline

2. No additional nonconformity shall be created

10.02 Changes of Use or Zoning

A. Whenever a zoning district is changed, creating a nonconforming use in such changed district, the nonconforming use may be continued according to the provisions of the previous zoning district, provided such use was a lawfully permitted use in that district. Present nonconforming uses, which remain nonconforming following a change in the zoning district shall be treated as in Section 10.01 hereof.

B. Whenever a zoning district is changed, an existing substandard lot shall retain the impervious coverage percentage as defined in its previous zone.

C. A nonconforming use shall not be changed to another non-conforming use or structure without approval by the Zoning Hearing Board and then only to a use or structure which, in the opinion of the Zoning Hearing Board is of the same or of a more restricted nature.

10.03 Abandonment

If the nonconforming use of a building or land shall be discontinued for a period of twelve consecutive months, it shall be deemed an abandonment of the use and shall not be resumed. This twelve month period may be extended by the Zoning Hearing Board, upon application, for extenuating circumstances.

A nonconforming building or use which is actively marketed, but has not been sold or leased, shall not be considered abandoned. Whenever a nonconforming use has been changed to a use permitted within the zoning district, such nonconforming use shall not be reestablished. Intent to resume a nonconforming use shall not imply the right to do so.

10.04 Replacement of Non-conforming Structures

A. Nonconforming buildings or structures damaged or destroyed by fire, or other causes beyond the control of the owner, may be rebuilt only if reconstruction is commenced within one year following such damage or destruction. This time limit may be extended by the Zoning Hearing Board, upon application, for extenuating circumstances. Such building or structure shall not be enlarged or relocated on the premises unless it meets the provisions of Section 10.01 above.

B. Nonconforming structures may be rebuilt or replaced with a structure of the same size and height, provided the owner can show to the Township that such structure cannot reasonably be relocated so as to conform with applicable setbacks and/or other applicable regulations, and that any pre-existing hazard to the public health and/or safety of surrounding property owners or the public in general will not be perpetuated. The burden of proof shall rest with the property owner, and the decision whether to issue a building permit shall be made by the Board of Supervisors.

10.05 Repairs and Maintenance

Notwithstanding any of the above regulations, nothing in this Article shall be deemed to prevent normal maintenance and repair of any non-conforming use or structure. Major structural alterations or demolitions necessary in the interest of public safety may also be carried out, and a building permit shall be issued for that purpose. In granting such a building permit, the Township shall state the precise reason such alterations were deemed necessary.

10.06 Non-conforming or Substandard Lots

A. In any district where building is permitted, a single-family dwelling or other building may be located on any lot or plot of official record as of the effective date of this ordinance irrespective of its area or width or depth, providing the necessary approvals have been obtained for water supply, sewage disposal and driveway connection to a public road. In these instances the setback provisions shall be those set forth below.

B. Where existing buildings and accessory structures have been constructed on lots which are substandard either in area or minimum width or depth, additions or alterations to such structures, and any new structure, may be permitted to intrude into required side and rear yard setbacks a certain distance. The minimum side and rear setbacks shall be no less than forty (40) percent of the limits stated in the zoning district.

C. Additions or alterations to such structures may also be permitted to intrude into the front setback to within 45 feet from centerline of street or to a distance from the front lot line equal to that of any existing residence, whichever distance is least restrictive. However, no structure may be built or altered which will obscure the clear sight distance on the travelled portion of any street or public road.

D. Existing vacant lots which are substandard either in area or minimum width or depth, may be built upon providing the setbacks are at least those shown in the below table. However, no structure may be built which will obscure the clear sight distance on the travelled portion of any street or public road.

Setbacks for Substandard Lots

Zone	Use	Minimum Yard Setbacks		
		Front*	Side	Rear
Agricultural	Ag., Res., Nonres.	45 ft.	14 ft. each	20 ft.
	Accessory Str.	45 ft.	6 ft. each	4 ft.
Agricultural Residential	Ag., Res., Nonres.	45 ft.	14 ft. each	20 ft.
	Accessory Str.	45 ft.	6 ft. each	4 ft.
Conservation	Res., Nonres.	45 ft.	14 ft. each	20 ft.
	Accessory Str.	45 ft.	12 ft. each	8 ft.
Village Residential On-lot sewer and water	Res. Detached Res. semidetached	45 ft. 45 ft.	14 ft. each 16 ft. each	20 ft. 20 ft.
	Nonresidential.	45 ft.	12 ft. each	12 ft.
	Accessory Str.	45 ft.	6 ft. each	4 ft.
Village Residential Public sewer or water	Res. Detached Res. semidetached	45 ft. 45 ft.	8 ft. each 12 ft. each	20 ft. 20 ft.
	Nonresidential	45 ft.	12 ft. each	12 ft.
	Accessory Str.	45 ft.	6 ft. each	4 ft.
Village Residential Public sewer and water	Residential	45 ft.	8 ft. each	20 ft.
	Nonresidential	45 ft.	12 ft. each	12 ft.
	Accessory Str.	45 ft.	6 ft. each	4 ft.

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 11. SUPPLEMENTAL REGULATIONS

The following regulations shall supplement the regulations set forth herein for each District and shall apply throughout the municipality unless otherwise specified in other sections of this Zoning Ordinance.

11.01 Yard and Lot Regulations

A. On Corner Lots:

1. Front yards are required on all street frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards.

2. No obstructions to vision exceeding thirty inches (30”) in height above pavement level (measured as average centerline elevation) shall be erected or maintained within a seventy-five foot (75 ft.) clear sight triangle formed by the centerline of intersecting streets.

B. Front Yard Exception:

No proposed dwelling need have a set-back greater than the average of the two existing dwellings with the greatest setbacks located within two-hundred (200) feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same Zoning district. However, in no event shall the front yard be less than forty-five (45) feet.

C. Projections Into Required Yards:

1. Cornices, canopies, eaves or other architectural features may project into side yards a distance not exceeding two inches (2") per one foot (1'0") of side yard width but may not exceed a total of three feet (3'0”).

2. Bay windows, balconies, fireplaces, and chimneys may project a distance not exceeding three feet (3'0”). Uncovered stairways and necessary landings may project a distance not exceeding five feet (5’0”).

D. Through Lots:

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

11.02 Performance Standards

No land or building in any zoning district shall be developed, used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electromagnetic or other substance, condition or element in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this Section limiting dangerous and objectionable elements at the point of the determination of their existence.

A. Enforcement Provisions Applicable to Other Uses.

Even though compliance with performance standards procedure in obtaining a building permit is not required for some particular uses, initial and continued compliance with the performance standards themselves is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Township against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

B. Performance Standard Regulations.

1. Fire and Explosion Hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be done with due consideration of safety and shall be setback at least 100 feet from any occupied residence. The relevant provisions of State and other local laws and regulations shall apply.

2. Vibration. Ground vibration inherently and recurrently generated on the lot and detectable without instruments on any adjacent lot in any zone shall be prohibited, except that temporary vibration as a result of construction or vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) shall be permitted. The relevant provisions of State and other local laws and regulations shall apply.

3. Air Pollution / Smoke. No pollution of air by fly ash, dust, vapors, smoke or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause spoiling of property. The relevant provisions of State and other local laws and regulations shall apply.

4. Odors. No malodorous gas or matter shall be permitted which is discernable at any and all lot lines of the subject property on which the odor source is located, except for agricultural operations as noted below. The relevant provisions of State and other local

laws and regulations shall apply. Agricultural operations shall comply with the Pennsylvania Nutrient Management Act (Act 38, as amended) and State Manure Management regulations.

5. Noise. Noise from nonresidential and residential uses which are determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Between 11:00 p.m. and 6:00 a.m. any noise shall be maintained at a low sound level and noise determined to be objectionable, as noted above, shall be prohibited. These requirements do not apply to agricultural operations as protected by the Right to Farm Law. The relevant provisions of State and other local laws and regulations shall apply.

6. Electromagnetic Interference. In all zones, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.

7. Toxic and Hazardous Substance Storage. Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Labor and Industry, and/or the U.S. Environmental Protection Agency.

8 Heat. Any operation producing intense heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such heat completely imperceptible from any point along the lot line. No heat from any use shall be sensed at any lot line to the extent of raising the ambient temperature of air or materials more than 5 degrees Fahrenheit.

9. Light Glare.

   a. Purpose. The purpose of this Section is to require and set minimum standards for outdoor lighting to:

      1) Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.

      2) Protect drivers and pedestrians from the glare of non-vehicular light sources.

      3) Protect the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources.

      4) Promote energy efficient lighting design and operation.

5) Protect and retain the intended visual character of various scenic venues throughout Lower Frankford Township

b. Applicability. All outdoor lighting shall have intensities, uniformities and glare control in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA). Overhead street lighting and emergency lighting are exempt from the requirements of this section.

c. Direct Light Glare. Direct light glare is defined for the purpose of this ordinance as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, Light-Emitting Diode (LED), or arc lighting, or from such high temperature process as welding or petroleum or metallurgical refining.

1) No such direct glare shall be permitted with the exception that parking areas and walkways may be illuminated by luminaries fully shielded that the maximum angle of the cone of direct illumination shall be 60 degrees drawn perpendicular to the ground, with the exception that such angle may be increased to 90 degrees if the luminary is less than 4 feet above the ground.

2) Such luminaries shall be placed not more than 16 feet above ground level.

3) All lighting 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 roadways.

4) Directional fixtures such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output onto adjacent uses, past the object being illuminated, skyward or on to a public roadway or pedestrian way. Floodlights, when installed on a building, pole, or otherwise installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than forty-five (45) degrees from straight down. When a floodlight creates glare as viewed from a residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

5) Exterior lighting fixture types , commonly called “barn lights”, “dusk to dawn lights”, or “yard lights”, when a source of glare as viewed from another property, shall not be permitted unless effectively shielded as viewed from that property.

6) 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 full cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

d. Indirect Light Glare. Indirect light glare is defined for the purpose of this ordinance as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure.

e. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

f. Glare Standards.

1) The illumination projected from any use onto a residential use shall at no time exceed on-tenth (0.1) footcandle, measured line-of-sight from any point on the receiving residential property.

2) The illumination projected from any property onto a non-residential use shall at no time exceed one (1.0) footcandle, measured line-of-sight from any point on the receiving property.

g. Lighting after close of business. Parking facility and vehicular way lighting (except for security applications) for commercial, industrial and institutional uses shall be automatically extinguished no later than one-half (½) hour after the close of business or facility operation. When safety and security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five percent (25%) of the illumination level during regular business hours.

h. 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 fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced or relocated, or the use on the property is changed.

10. Water Pollution. No discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accordance with standards approved by the Pa. Department of Environmental Protection or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. Water pollution shall be subject to the standards established by the Pennsylvania Fish and Boat Commission, Pennsylvania Department of Environmental

Protection, and Clean Streams Law, June 22, 1937, P.L. 1987, 35 P.S. Sec. 691, as amended.

11. Liquid and Solid Wastes. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects. Outdoor stockpiling or permanent storage of household trash and similar materials and objects shall be prohibited from the front yard of any residence or building. Materials and Machinery actively used for farming or in a residentially based trade or business are exempt. Firewood is also exempt.

12. Ground Water Quality and Quantity. A water feasibility study may be required by the Township if the density of development with on-lot water and sewer may appear to adversely affect the quality or quantity of the ground water supply. The water feasibility study shall be reviewed by the Township engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate ground water recharge considering the water withdrawn by the proposed development shall not be approved by the Township.

A water feasibility study will be provided to enable the Township to evaluate the impact of the proposed use on the groundwater supply and on existing wells, to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township engineer.

A water feasibility study shall include, as a minimum, the following information (unless more stringent regulations are set by County, State, or Federal agencies, in which case the more stringent regulation shall be met):

a. Calculations of the projected water needs;
b. A geological map of the area;
c. The locations of all existing and proposed wells within 1,000 feet of the site and all known points sources of pollution;
d. The long-term safe water yield shall be determined, based on the geologic formation;
e. A determination of the effects of the proposed water supply systems on the quantity and quality of water in nearby wells, streams and groundwater tables; and
f. A statement of the qualifications in the signature(s) of the persons preparing the study.

11.03 Uses Not Provided For

In any district established by this ordinance, when a specific use is neither permitted nor denied, the Board of Supervisors shall make a determination through a Conditional Use application as authorized in Article 9 of this Ordinance, upon recommendation by the zoning officer or planning commission, as to the similarity or compatibility of the use in question to the permitted uses or conditional uses in the district within sixty (60) days of receipt of a written request for such determination. No zoning permit shall be issued by the Zoning Officer for any unspecified use until this determination has been made.

11.04 Standards for Accessory Apartments

A. Defined as a secondary dwelling unit contained within a single-family detached dwelling, an accessory apartment may be permitted in all zones subject to the following standards:

1. Only one accessory apartment may be permitted within a single family detached dwelling. Such accessory apartment shall have an entrance which provides direct access.

2. An accessory apartment may only be permitted and may only continue in use as long as the principal dwelling is occupied by the owner of said dwelling.

3. The lot area for the principal dwelling shall meet the minimum lot area requirement for the applicable district where located.

4. The exterior architectural character of the principal dwelling shall not be altered in a manner which departs from the primary feature of the building as a single-family detached dwelling unit.

5. One additional off-street parking space shall be provided.

6. The applicant shall submit a plan and supporting documentation to establish compliance with the standards herein.

11.05 Standards for Agricultural Waste Storage Facilities

A. An Agricultural Waste Storage facility is permitted by right in the (A) and (AR) zones subject to the following specific criteria:

1. All animal waste storage facilities for new livestock operations including poultry shall be no closer than 200 feet to any lot line.

2. All storage facilities shall be designed and located in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 3 and 25 Pa. code Chapter 91 – Pollution Control and Preservation at Agricultural Operations; and in accordance with 25 Pa. Code Chapter 83, State Conservation Commission -

Minimum Standards for Manure Storage Facilities; and any revisions published by the Pennsylvania Department of Environmental Protection. All manure management facilities and operations shall comply with the provisions set forth in the Nutrient Management Act of 1993, Act 38 of 2006, or as amended.

3. All manure storage facilities' designs shall be reviewed by the Cumberland County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.

11.06 Standards for Bed and Breakfast Inns

A. Bed and Breakfast Inns shall be permitted by right in the (A), (AR) and (VR) zones subject to the following specific criteria:

1. A bed and breakfast inn shall be allowed only in a residential dwelling or buildings accessory thereto. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.

2. Accommodations for overnight lodging at a bed and breakfast shall be limited to no more than five (5) guest rooms.

3. Accommodations at bed and breakfast inns may include meals prepared on the premises for guests and included in the charge for the room.

4. No cooking facilities shall be provided or permitted in individual guest rooms.

5. The use of a residential dwelling for a bed and breakfast inn must be approved by the Township Sewage Enforcement Officer and the system upgraded, if necessary.

6. All bed and breakfast inns shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

11.07 Standards for Day Care Centers.

A. Day care centers are permitted by right in the (A), (AR) and (VR) zones according to the procedures and requirements specified below:

1. Day care facilities providing care for seven (7) or more children not related to the caregiver, or the most recent State requirements, must secure a license from the Commonwealth of Pennsylvania, Department of Public Welfare. Evidence of such state licensing must be provided prior to the issuance of a use and occupancy permit by the Zoning Officer.

2. The day care facility shall have at least sixty-five (65) square feet of enclosed outdoor

play area for each child.

3. Passenger "drop off' and "pick up" areas shall be provided on site and arranged so that the children do not have to cross traffic lanes on or adjacent to the site.

11.08 Standards for Essential Services

A. Essential Service buildings and structures shall be permitted in any zoning district without regard to the use and area regulations; provided, however, that buildings erected for these utilities shall be subject to the following regulations:

1. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.

2. Height of building shall be as required by the district regulations.

3. Unhoused equipment shall be enclosed with a chain link fence six (6') feet or more in height.

4. All essential service buildings, facilities and/or storage areas shall be screened where adjacent to any residential use. Screening shall consist of a double row staggered planting of coniferous trees which are at least six (6') feet high, or a fence made of solid material at least six (6') feet high, landscaped with trees and shrubs. Other types of screening may be accepted by the Board of Supervisors after review for effectiveness.

5. All adjoining property owners shall be notified of the proposed development by the utility through individual notice mailed to them at least thirty (30) days prior to commencement of construction activity.

11.09 Standards for Forestry Operations

A. Forestry shall be permitted by right in all zoning districts. The following standards apply to all timber harvesting within the municipality where the area being timbered exceeds one acre. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

B. Notification and Preparation of a Logging Plan.

1. For all timber harvesting operations, the landowner shall notify Zoning Officer at least ten (10) business days before the operation commences and within ten (10) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

2. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Ordinance. No timber harvesting shall occur

until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site all times during the operation and shall be provided to the Zoning Officer upon request.

3. The landowner and the operator shall be jointly and separately responsible for complying with the terms of the logging plan.

4. An erosion and sedimentation pollution control plan must be approved by the Cumberland County Conservation District if over 25 acres of disturbance occurs, in accordance with Title 25 Pennsylvania Code, Chapter 102. Documentation of such approval is required prior to the beginning of any timber harvestactivities.

C. Contents of the Logging Plan. As a minimum the logging plan shall be acceptable to the zoning officer and shall include the following:

1. The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings;

2. The design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;

3. The design, construction, and maintenance of stream and wetland crossings;

4. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.

5. A sketch map or drawing containing the site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within the property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures; location of all crossings of water of the Commonwealth; and the general location of the proposed operation to municipal and state highways, including any accesses to those highways.

6. Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. 691.1 et seq; and Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1.et seq.)

7. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified above, provided all information required is included or attached.

D. Forest Practices. The following requirements shall apply to all timber harvesting operations in Lower Frankford Township.

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of Lower Frankford Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

2. No tops or slash shall be left within twenty-five (25') feet of any public thoroughfare or private roadway providing access to adjoining residential property.

3. All tops and slash between twenty-five (25') and fifty (50') feet of any public roadway or private roadway providing access to adjoining residential property or within fifty (50') feet of adjoining residential property shall be lopped to a maximum height of four (4') feet above ground.

4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

5. No tops or slash shall be left within fifty feet (50') of any perennial of intermittent stream or the designated floodplain of any stream, whichever is greater.

6. No harvest of trees shall occur within one hundred fifty feet (150') of any stream designated as high quality or exceptional value or one hundred feet (100') of any other stream in accordance with 25 PA Code Chapter 102.

7. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

E. Responsibility for Road Maintenance and Repair: Road Bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the land owner and the operator shall be responsible for repairing any damage to Lower Frankford Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

11.10 Standards for Group Homes

A. A group home is permitted by right in all zones. The following information shall be provided to the Township Zoning Officer prior to the issuance of a building or zoning permit:

1. In a narrative form, a statement of the proposed use, including its location, number of residents, telephone number and contact person of the sponsoring agency.

2. A statement that all required approvals, permits and licenses have been granted from the federal, state and county governments or other public agencies.

3. The group home shall maintain a similar appearance, condition and character to the existing dwellings in the immediate vicinity of the group home.

4. Occupants of the group home shall live as a family unit.

5. Under no circumstances shall any uses qualifying for or falling under the definition of "halfway house" be considered a group home.

6. If on-site sewer systems are to be used, the applicant shall show evidence that the system is, or will be, adequate to serve the occupants. This shall be subject to review and approval by the sewage enforcement officer.

11.11 Standards for Home Occupations

A. Home Occupations shall be permitted in all districts according to the following criteria:

1. It is carried on within the dwelling unit and/or within usual accessory structures by the residents of the home;

2. There shall be no more than one (1) employee other than residents of the home.

3. It does not result in the production of any noise or vibration (except that produced by coming and going), light, odor, dust, smoke, or other air pollution in excess of the standards contained in Section 11.02 of this ordinance.

4. Off-street parking spaces, in sufficient number as determined by the Zoning Officer, are made available on the same premises.

5. The conducting of a nursery school or day care for not more than six (6) children is a lawful home occupation. A statement that all required approvals, permits and licenses have been granted from all state agencies including the PA Department of Public Welfare, as applicable.

6. The use shall be clearly incidental and secondary to the use of the dwelling as a residence, and the exterior appearance of the structure and premises shall be residential in character.

11.12 Standards for No-Impact Home-Based Businesses

A. A No-Impact Home Based Business shall be permitted in all zones in accordance with the following requirements except that such accessory use shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common-interest-ownership community.

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 any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

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 25% pf the habitable floor area.

8. The business may not involve any illegal activity.

11.13 Accessory Building Regulations

A. An accessory building not attached to the principal structure may be located in any required side or rear yard up to the setback limits for the zoning district in which it is located, provided:

1. Such building shall not exceed the maximum height allowed in the zoning district.

2. All such buildings in the aggregate shall not occupy more than thirty percent (30%)of the area of the rear or side yard where they are located.

B. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this ordinance applicable to the principal building.

C. No accessory building shall project nearer to the street on which the principal building fronts than the minimum building set-back distance for the principal building.

11.14 Development Along Streams and Wetlands

A. All areas within fifty (50') feet from the top of the bank of any perennial or intermittent steam shall not be occupied by any of the following: a new building, new or expanded vehicle parking, or new or expanded business outdoor storage.

B. No new or expanded building, vehicle parking or business outdoor storage areas shall be located less than twenty (20') feet from a wetland. A wetland shall be defined as an area defined under State or Federal regulations as a wetland, whichever is more inclusive.

A setback shall not apply to wetlands that the applicant proves to the satisfaction of the Township Engineer were clearly man-made, such as within detention basins or man-made drainage ditches.

C. Where existing trees and /or shrubs are removed from lands that are less than 50 feet from the top of the bank of a perennial stream as part of , or in preparation to, a subdivision, land development or permitted construction of a new building, then new trees and shrubs shall be planted and maintained. The new trees and shrubs shall have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed. Mature healthy trees shall only be removed within this fifty (50') feet wide area as part of a development where there is no feasible alternative, such as to allow a utility crossing.

Publications of the Pennsylvania Department of Conservation and Natural Resources (including "Stream ReLeaf") and other governmental or non-profit organizations shall be used as standards for the planting of the buffer.

11.15 Fences and Walls

A. No wall, fence, sign or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained or permitted which obscures the clear sight distance on the traveled portion of any street or public road.

11.16 Off-Street Parking

A. General Provisions for Commercial or Institutional Purposes.

Off-street parking facilities shall be provided to lessen congestion in the streets. The parking required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such parking facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right of way.

1. Permanent uncovered parking spaces shall be deemed to be part of the impervious coverage of the lot on which it is located, whether or not such spaces are paved.

2. Any new building or use or any existing building or use which is to be converted, enlarged or added to for any reason shall be provided with not less than theminimum parking spaces as set forth in this article.

3. No parking space to be provided under the terms of this article shall be located within the right-of-way of any street, roadway or public alley or closer to the property line than the prescribed landscape setback lines as established in this zoning ordinance, if any, except where a variance may be granted by the Zoning Hearing Board for the encroachment of vehicular parking in a designated landscape setback.

4. Cumulative parking space requirements for mixed-use occupancies may be reduced where it can be demonstrated that the peak requirement of the several occupancies occur at different times, such as midday for office uses and evening for residential uses. Modifications in the total number of spaces required by the addition of all uses as specified in this article may be considered if supported by a parking demand study prepared by a qualified parking consultant. Based on the recommendations of such study, the Planning Commission may recommend and the Board of Supervisors may approve appropriate reductions in total requirements.

B. Design Standards.

1. The minimum size of a parking space for any use shall be nine (9) feet wide by eighteen (18) feet long. Notwithstanding the above, all parking spaces shall be ample in size for vehicles for which use is intended.

2. Parking lot layouts shall be no less than those listed in the following table:

Angle of Parking (Degrees)	Depth* From Curb (Feet)	Aisle Width	
		One-way	Two-way
90°	18’	24’	24’
60°	18’	18’	20’
45°	16’	16’	20’

*Measured perpendicular to curb or edge of parking lot.

3. No part of the public right of way of any street or road shall be used in computing the required area for parking. However, parallel parking may be permitted along the curb or edge of an access drive or private road, providing the spaces are not less than eight feet (8’0) by twenty-two feet (22’0) in addition to the required width for the circulation of vehicles.

4. Parking lanes shall not be longer than 300 feet without providing a circulatory road. Parking areas which provide required spaces shall not be more than 600 feet from the use requiring the parking.

5. Entrance/exit drives for parking areas shall be a minimum of eighteen (18) feet for one-way travel, and twenty-four (24) feet for two-way travel. Drives shall be uniform in width, smooth flowing and provide for ninety degree intersections.

6. No parking area for multi-residential use, commercial, industrial, public, or semipublic use, shall be permitted which would allow or encourage the backing of vehicles directly into a street. Points of ingress and egress between a street and off-street parking and service areas shall be designed, located, and controlled so that vehicles can be moved

from such parking and service areas to the street only by way of such designated points of ingress and egress.

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

8. For all uses other than dwellings, if under 10,000 square feet gross leasable area, continuous parking may be permitted abutting the front and/or sides of the building, excluding the area in front of any entrance and/or exit where a minimum of twenty feet in width shall be kept open and parking prohibited. To the extent possible, this area shall have physical controls such as curbing or landscaping.

9. Single commercial usage shops and stores or multi-tenant "strip commercial" facilities over 10,000 square feet gross leasable area may permit abutting parking on the sides only, excluding fire exits or entrances where a minimum of twenty feet in width shall be kept open and parking prohibited.

10. Parking abutting buildings of a shopping mall shall be prohibited.

11. All paved areas abutting buildings where parking is prohibited shall be posted as Fire Lane - Parking Prohibited.

C. Landscaping and Screening.

1. Perimeter. All parking areas, regardless of size, shall conform to applicable landscaped setback pertaining to the particular zone in which the parking area is located and use requirements.

2. Interior. Parking areas greater than twelve spaces shall provide a minimum of five percent (5%) of the paved lot area for interior landscaping. The perimeter landscaped areas shall not be counted as part of the paved lot area, nor shall these areas be counted as part of the interior landscaped area. Each separate landscaped area should contain a minimum of forty square feet and should have a minimum dimension of three and one-half feet. Parking areas should contain more than one such landscaped area, and these areas shall be located in such manner as to divide and break up the expanse of paving.

3. All off-street parking areas which provide more than eight (8) parking spaces shall be screened from any abutting property zoned residential or used for residential purposes.

   Screening may be accomplished by the placement of adequate earthen berms, a solid fence high enough to provide screening, and/or the provision, and maintenance, of solid planting in the form of contiguous evergreen shrubs. Evergreen trees or shrubs shall be at least four feet (4'0'') in height at the time of planting and set back at least five feet (5 ft.) from any property line.

Parking Requirements for Dwelling Units.

1. For all residential uses there shall be provided the following minimum on-lot parking spaces for new or additional dwelling units:

Type Dwelling Unit	Spaces Per Dwelling Unit
Single family detached Single family Semi-detached Attached Units	2.0
Multi-family	2.0 plus 1 guest space per 5 units
Group home or Halfway house	1.0 per 2 beds, plus 1 per employee on largest shift

2. Parking spaces shall be at a reasonable distance and not to exceed 300 feet from the dwelling unit and be provided with reasonable pedestrian and vehicle access. Required spaces may be located up to fifty feet into an adjacent zoning district. Parking spaces required for each dwelling shall be in the same ownership as the dwelling, except in condominiums. All spaces shall have direct, unobstructed access. Special parking requirements for mobile home parks are contained in the Lower Frankford Township Subdivision and Land Development Ordinance.

E. Parking Requirements for Uses Other Than Dwelling Units.

Type of Use	Required Parking Spaces
1. Hotels, Motels	One (1) per each unit plus one (1) per each employee on maximum shift, and additional spaces as required to meet 30% of the rated capacity of other uses (restaurant, etc.)
2. Bed and Breakfast, Tourist homes, Boarding and Lodging homes, Rooming Houses	One (1) per each unit or room plus one (1) for the owner or manager and one (1) per each employee, and additional spaces as required to meet 30% of the rated capacity of other uses, as may be applicable
3. Religious Institutions, Churches, Temples, Chapels, etc.	One (1) per each 3.5 seats, based on the total capacity, plus one (1) for each classroom (See Social Halls for requirements for church social halls)
4. Banks	One (1) per 350 sq. ft. of net leasable area, plus one (1) per employee on maximum shift, plus one reserve spaces for drive-in banks as determined by the Zoning officer
5. Professional and General Offices	One (1) per each 300 sq. ft. of net leasable area, with a minimum of five (5) spaces
6. Retail Shops and Stores	One (1) per each 300 sq. ft. of net leasable area with a minimum of five (5) spaces, plus one (1) per employee on maximum shift
7. Shopping Malls	4.5 spaces per 1,000 square feet of gross floor area
8. Furniture and Appliance Stores	One (1) per each 400 sq. ft. of net leasable area, plus one (1) per employee on maximum shift, with a minimum of five (5) spaces
9. Grocery Stores, Supermarkets	One (1) per each 350 sq. ft. of gross floor area
10. Carry-out Food Establishments, (with or without drive-thru)	Minimum of ten (10) spaces plus one (1) space for each 2.5 seats

Type of Use	Required Parking Spaces
11. * Eating Places, Restaurants (no sit-down bar area)	One (1) per each 2.5 seats
12. * Drinking Places, Bars, Night Clubs	Spaces equal to 30% of total permitted occupancy
13. ** Bowling Alleys, Billiard and Pool Establishments	For bowling alleys - five (5) per alley For billiard and pool establishments – one (1) per each 300 sq. ft. of net leasable area, with a minimum of five (5) spaces
14. Distribution Center	One (1) per each 1000 sq. ft. of gross floor area, plus one (1) per each 400 sq. ft. of office, sales or other space to be used by visitors, customers or salesmen .
15. Wholesale Establishments	One (1) per each 400 sq. ft. of net leasable area
16. Mini-storage warehouses	One (1) per 25 storage units plus one (1) per employee
17. Community Buildings and Social Halls	Spaces equal to 30% of total design occupancy rating
18. Automotive Repair and Service Shops, Tire Sales Stores	Four (4) spaces plus two (2) for each service bay, plus one (1) per each 300 sq. ft. of showroom area
19. Gasoline Service Stations	Four (4) spaces plus two (2) for each service bay
20. Convenience Store, Mini-Market	Five (5) spaces plus one (1) per each 250 sq. ft. of gross floor area
21. Personal Services (includes establishments primarily providing services that generally involve the care of the person or his apparel, such as laundries, dry cleaning, photo studios, beauty and barber shops, etc.)	One (1) per each 350 sq. ft. of new leasable area, with a minimum of five (5) spaces, plus one (1) per each employee. If use is classified as a home occupation, see separate regulations
22. Home Occupations	As determined by the Zoning Officer, based on the type of occupation and anticipated need

Type of Use	Required Parking Spaces
23. Open Area Commercial Uses (such as mobile home sales, recreational vehicle sales, monument sales, nursery stock and related uses as determined by the Planning Commission)	One (1) per each 2500 sq. ft. of gross lot area occupied by the use
24. Auditoriums, Assembly Halls	One (1) per each four (4) seats
25. Clinics, Medical Office Buildings	One (1) per each 175 sq. ft. of gross floor area
26. Medical Offices, Dental Offices, etc. (operated from a dwelling)	One (1) per each 175 sq. ft. of gross floor area, with a minimum of eight (8) spaces
27. Day Care Centers, Nursery Schools, or Babysitting Services (not operated from a dwelling)	One (1) space per employee on maximum shift, plus spaces equal to 20% of maximum permitted occupancy
28. Retirement Facility, Nursing Homes, Convalescent Homes, etc.	One (1) per each 2.5 beds, plus one (1) for each employee on maximum shift

* If an establishment contains both a dining area and a bar area, the requirements for eating places and drinking places shall be applied to each area separately.
**If the establishment contains both bowling and billiard facilities, the requirements of each shall be applied separately.

F. Uses Not Specifically Listed.

Parking for any use not specifically listed shall be determined by the Zoning Officer.

G. Lighting.

The main entrances, exits and parking areas of all parking lots of fifteen (15) spaces or more shall be lighted. Light standards shall be protected from vehicular traffic by curbing or landscaping. Lighting shall comply with Section 11.02 (Performance Standards) and be shielded so as not to produce objectionable glare or impede vision of adjacent residential uses or passing motorists.

H. Signs.

Entrances and exits shall be clearly marked and preferred exit routing shall be marked where applicable. One-way roads shall be marked on the road surface and by signs. All parking lots with over 100 spaces shall have the individual parking aisles identified.

I. Marking.

Parking spaces in paved lots shall be defined by yellow and/or white lines, painted or so marked with road surface tape, with a minimum width of four inches. Lines shall be remarked as necessary to insure their visibility.

11.17 Signs

A. Signs Permitted In All Districts. Signs listed in this section are permitted in all zoning districts as defined in this ordinance.

1. Name and Address of Resident. Name and address of resident, but not to include any commercial advertising, of not more than four (4) square feet in sign area.

2. No Trespassing Signs. No trespassing signs or other such signs regulating the use of a property, such as "No Hunting," "No Fishing," etc., of not more than eight (8) square feet in sign area.

3. Real Estate Marketing Signs. Real estate marketing signs are signs which advertise the sale, rental or lease of the land upon which they are located. Such signs shall not exceed eight (8) square feet in area.

4. Bulletin Boards for Public, Charitable or Religious Institutions. Bulletin boards for public, charitable or religious institutions, when located on the premises thereof and with a sign area of not more than twenty-five (25) square feet if single-faced, nor more than fifty (50) square feet if double-faced, and used exclusively for non-commercial announcements.

5. Signs Regulating On-Premises Traffic, Parking or Other Functional Subdivision. Signs regulating on-premises traffic (Examples: "In-Out", "Enter-Exit"), parking or other functional subdivision, such as lavatory facilities, telephone, signs denoting other sections of a premises such as "Lubrication", "Office", etc., when less than five (5) square feet in area and bearing no commercial advertising.

6. Signs Erected by a Governmental Body. Signs erected by a governmental body or under the direction of such a body and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools and playgrounds, etc.

7. Memorial Signs or Tablets. Memorial signs or tablets and signs denoting the date of erection of buildings.

8. Flags, Pennants or Insignia of any Government, Religious or Fraternal Organization, Charitable Organizations. The flag, pennant or insignia of any governmental, or of a religious, charitable or fraternal organization shall be limited to a maximum area of thirty-two (32)square feet and to a height not to exceed the maximum building height as allowed by this ordinance.

9. Special Events of Charitable or Public Service Groups. Such signs must be removed within forty-eight (48) hours after the event or activity has occurred and shall not be permitted to exist more than thirty (30) days prior to such event or activity.

10. Permanent Residential Development Signs. Permanent residential development signs at major entrances designed to identify a residential subdivision and containing no commercial advertising shall have a maximum area of twenty-five (25) square feet.

11. Signs Identifying Places of Worship. Signs identifying places of worship, when located on the premises thereof, shall have a maximum area of twenty-five (25) square feet.

12. On-Premises Signs for Home Occupation. Signs identifying home occupations shall not be larger than eight (8) square feet in area, bearing the name and occupation of the practitioner. No more than one (1) such sign shall be permitted for each occupation.

13. Yard Sale Signs. Temporary yard sale or garage sale signs may be erected, provided they pose no safety hazard for vehicular traffic. Such signs may be erected no sooner than seven (7) days before the event, and must be removed within forty-eight (48) hours after the event.

14. Signs for Agricultural and Business Activities. These signs shall comply with all applicable requirements of 11.15 B. through 11.15 G.

B. Signs and Other Devices **Prohibited** in All Zoning Districts. The following signs and other devices shall not be permitted, erected or maintained in any zoning district, notwithstanding anything else to the contrary contained in this part or elsewhere:

1. Signs which incorporate in any manner any flashing or moving illumination or with illumination which varies in intensity or which varies in color, and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by action of normal wind currents. Clocks, hanging signs which move with air currents, time and temperature signs, fuel sale signs, and barber poles are excepted, provided they otherwise comply with all other provisions of this part.

2. Light sources which cast light on signs unless shielded by opaque material so that lamps are not visible from off the property on which the signs are located.

3. Any sign or sign structure which constitutes a hazard to public safety or health.

4. Signs which by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving a roadway or driveway or obstruct or detract from the visibility or effectiveness of any traffic sign or control device or public streets and roads.

5. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required building exit.

6. Signs which make use of the words such as "Stop," "Look," One-Way," "Danger," "Yield," or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.

7. Any obsolete sign which advertises a business product or service which is no longer being offered for sale.

8. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.

9. Signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object, except signs permitted under (A.) above.

10. No sign shall display words or images that are obscene or pornographic.

11. No sign shall be placed on the roof or be higher than the wall to which it is attached.

12. Off-Premises advertising signs -- except directional signs and billboards as regulated herein.

C. Limit on Number of Signs Per Premises. Notwithstanding anything else to the contrary in this part or elsewhere, no more than three (3) signs identifying a business, office, or industry may be erected or maintained on any premises at any one time, except when a building is located on a corner lot and has public entrances on two (2) or more public ways, or where a building has both a front and rear public entrance, one (1) additional sign may be erected. A double-faced sign shall count as a single sign. Temporary or portable signs shall be counted as business identification signs.

D. Limit on Height of Signs. No sign or any part thereof (including braces, supports or lights) shall exceed a height of ten feet (10') if erected at the right-of-way line of any street, road or highway adjoining the premises on which the sign is located, plus one foot (1') additional height for each three (3) lineal feet that said sign is located from such street, road or highway as measured on a perpendicular line from such right-of-way line to the nearest part of the sign, provided, however, that no sign shall exceed twenty feet (20') in height regardless of its distance from the right-of-way line. Height shall be measured from the actual grade of the premises directly below the face of the sign (exclusive of any mounds or other additions to the grade level) to the

highest part of the sign. No part of any sign shall extend into the right-of-way of any street, road or highway other than those authorized by a governmental body.

E. Limit of Sign Area. Notwithstanding anything else to the contrary in this part, the total sign area per premises shall not exceed three (3) square feet per lineal foot of building front of that portion of the building occupied by the occupant of said premises, except that no premises shall be limited to less than thirty-two (32) square feet of total sign area. In no case shall the total sign area of all signs on one premise exceed two hundred fifty (250) square feet.

F. Safety and Maintenance. All signs and all parts thereof shall be kept in a good state of repair and maintenance.

G. Specific Sign Types and Uses. In addition to the general provisions of this part, the following regulations shall apply:

1. Pole or Freestanding Sign.

   a. No single face or advertising side of a freestanding or ground pole sign shall have an area which exceeds sixty-four (64) square feet.

   b. Every pole or freestanding sign and all parts, braces and supports thereof shall be located entirely within the property lines of the premises and shall not project over public rights-of-way or other adjoining lands without permission. Freestanding or ground pole signs may be permitted between the property line and the buildings setback lines, except where otherwise prohibited by this ordinance.

   c. There shall be no more than one (1) pole or freestanding sign permitted per business premises. Any freestanding or pole sign shall have no more than two
   (2) faces or advertising sides.

   d. Wherever possible, freestanding or pole signs of multiple owner/tenant buildings shall be incorporated into one sign, or clustered on a common framework or standard.

2. Wall Sign. In multiple owner/tenant occupancies, the various signs required for identification of different activities shall be coordinated with respect to placement on the building facade, legibility and illumination.

3. Directional Sign

   a. Directional signs may be erected near roadways (but not within the right of-way) to direct vehicles or pedestrians to premises not located on such roadways, but the access to which is from such roadways.

b. Directional signs shall be limited to freestanding or pole signs with a maximum area of six (6) square feet on a single-faced or twelve (12) square feet on a double-faced sign.

c. The area of a directional sign located off-premises shall be charged against the total area of the owner's on-premises allowable maximum area as provided in Section E hereinabove.

d. The content of directional signs shall be limited to the name of the establishment and direction and distance information.

4. Billboard Signs

a. All such signs are in conformance with Act 160, the Outdoor Advertising Control Act of 1971, as amended, except as further controlled by this section.

b. Location. A billboard sign shall be setback a minimum of twenty-five (25') feet from adjoining properties and outside street rights-of-way. No billboard sign greater than twenty (20) square feet shall be located within two hundred (200') feet of a lot line for a residential use.

c. Maximum Sign Area. No single face or advertising side of a billboard sign shall have an area which exceeds sixty-four (64) square feet.

d. Maximum Height. See standards in this section.

e. Control of Lighting and Glare. See Performance Standards in this Ordinance.

f. The sign shall be maintained in a good and safe condition. The area around the sign shall be kept free of debris.

5. One sign in addition to other allowable signs will be permitted to identify the price and type of fuel sold by a gasoline station; such sign shall not exceed twenty-four (24) square feet in area.

6. Where different uses are permitted side by side, signs permitted for one property or tenancy shall not adversely affect the identification and/or reasonable use of signs of the neighboring property or tenancy.

H. Abandoned Signs.

1. "Abandoned Sign" defined. An abandoned sign shall mean: a sign which pertains to a time, event or purpose which no longer applies or is located on a property which has been unoccupied or vacant for at least ninety (90) days. Safety notice and real estate sale, rent or lease signs are not included.

2. Removal of Abandoned Signs. Signs that are abandoned shall be removed by the persons responsible for the erection and/or maintenance thereof within thirty (30) days after notice of the abandonment to such persons by the Township. If such persons fail or refuse to remove such abandoned signs after the notice aforesaid, the Township may remove the signs at the expense of the persons responsible for the erection and/or maintenance thereof.

I. Nonconforming Signs. All signs which are in existence on the effective date of this ordinance, which do not meet the applicable provisions of this Section shall be considered nonconforming.

1. All nonconforming signs shall be permitted to remain as long as they are in use, are structurally sound, and have not been deemed abandoned under the terms of this Section, except for those that are in violation of 11.17 B. Any sign which is in violation of 11.17 B. shall be removed or brought into compliance with the provisions of this section within thirty (30) days after the effective date of this ordinance. It shall be unlawful to maintain a sign in violation of 11.17 B.

2. If a nonconforming sign is voluntarily removed, any replacement sign shall conform with the provisions of this Section. If a nonconforming sign is destroyed by accident, it may be replaced in the same size and shape within six (6) months of the date of the accident.

3. Nonconforming signs may be altered by changing the face or copy of the sign, provided that the new face or copy is no larger in square footage, length or width than the sign it is replacing, and provided that the replacement sign is installed on the same support framework, standard or pole. Minor structural changes to the sign framework or support structure are permitted to ensure the safety of the sign, however, major changes such as the replacement of the entire support structure shall require that the sign be placed in conformance with this Section. New embellishments to the structure or the sign framework are not permitted on nonconforming signs.

11.18 Swimming Pools

"Swimming pool" means a body of water in an artificial or semi-artificial receptacle having a depth at any point of more than twenty-four (24”) inches or a surface area of more than one hundred fifty (150) square feet, used or intended to be used for public, semipublic or private swimming. A pond shall not be considered to be a swimming pool. Swimming pools shall comply with the Uniform Construction Code (UCC), as amended.

ARTICLE 12. ADMINISTRATION, PERMITS AND FEES

12.01 Duties of Zoning Officer

A. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer this ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this ordinance and other applicable Township codes and ordinances. The Zoning Officer shall issue all permits required by this ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Township.

B. The Zoning Officer or designee shall inspect properties to determine compliance with all provisions of this ordinance as well as conditions attached to an approval. The Zoning Officer shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of his duties, provided that:

   1. The Zoning Officer shall notify the owner and/or tenant, if any, before conducting any inspection requiring entry to the property. The Zoning Officer shall obtain permission from the property owner or tenant for each inspection. Inspections shall, wherever possible, be performed in the presence of the owner or his representative or tenant. If refused entry to the property, the Zoning Officer may seek necessary legal authority to enter without permission.

   2. The Zoning Officer or his duly authorized assistant(s) shall display identification signed by Supervisors upon commencing an inspection.

C. The Zoning Officer shall maintain files, open to the public, of all applications for Zoning Permits along with plans submitted therewith.

D. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of this ordinance as well as action taken as a result of such complaints.

E. The Zoning Officer shall submit to the Township Supervisors for insertion in the Supervisors' minutes, a written report summarizing for the month all zoning permits issued by him as well as complaints of violations and action taken as a result of such complaints.

12.02 Zoning Permit

A. Requirement. A zoning permit shall be required prior to the erection, construction, alteration, removal or demolition of any building structure, or sign, or any portion thereof; prior to the moving of a building into the township, or from one place in the Township to another; prior to the change or extension of non-conforming use; and upon a change in the use of a structure or land. Zoning Permits shall not be required for any maintenance operations such as painting, roof repair, window replacement, installation of siding, replacement of defective structural member or similar maintenance measures.

B. Application. Application for permits shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. Such application shall include building and plot plans of a satisfactory nature in duplicate, and shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this ordinance. No permit shall be considered complete or permanently effective until the Zoning officer has certified that the work meets all the requirements of applicable codes and ordinances.

C. Issuance of Permits. No zoning permit shall be issued except in conformity with the regulations of this ordinance, except after written order from the Zoning Hearing Board or the Courts. Permits shall be granted or refused within thirty (30) days after date of application. In case of refusal, the applicant shall be informed of his right to appeal to the Zoning Hearing Board.

D. Expiration of Permits. No zoning permit shall be valid or effective after one (1) year from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit has been commenced within said one (1) year period and pursued with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted due to circumstances or any reasonable cause beyond his control, the permit may be renewed without additional cost to the applicant.

12.03 Fees

A. The Board of Supervisors shall set fees, payable in advance, for all applications, permits, or appeals provided for by this ordinance to defray the cost of advertising, processing, inspecting, mailing notices, charges of a stenographer for taking the notes of testimony, and copying applications and permits.

B. The Board of Supervisors shall be empowered to reevaluate the fee schedule and make necessary changes to it. Such changes shall not be considered an amendment to this ordinance, and may be adopted at any public meeting of the Board by resolution.

C. The required fees for zoning district amendments may vary according to advertising costs and thus shall be kept up-to-date by the Board of Supervisors and the Zoning Officer. All such fees shall be paid into the Township treasury.

D. Special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 13. ENFORCEMENT, VIOLATIONS, AND PENALTIES

13.01 Enforcement Notice

A. Whenever the Zoning Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township 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 the ordinance.

4. The date before which the steps for compliance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed.

5. An outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance, or any part thereof, and with any regulations adopted pursuant thereto.

6. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this ordinance.

7. A statement indicating 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. Evidence & Fees. In any appeal of an enforcement notice to the Zoning Hearing Board, Lower Frankford Township shall have the responsibility of presenting its evidence first. 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 Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

13.02 Causes of Action

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

13.03 Jurisdiction

District Justices shall have initial jurisdiction over proceedings brought under Section 13.04.

13.04 Enforcement Remedies

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this zoning ordinance shall be paid over to the Township.

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

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

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 14. ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

14.01 Creation of Zoning Hearing Board and Appointments

Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, the Lower Frankford Township Board of Supervisors hereby creates a Zoning Hearing Board, consisting of three members who shall be residents of the township. Members of the Zoning Hearing Board shall hold no other office in the Township, either elected or appointed, nor shall any member be an employee of the Township. The terms of office shall be three years and shall be so fixed that the term of office of no more than one member shall expire each year. The Zoning Hearing Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

14.02 Alternate Members

The Board of Supervisors may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 14.04, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission or Zoning Officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member pursuant to Section 14.04.

14.03 Removal of Members

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors 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.

14.04 Organization of Zoning Hearing Board

A. The Zoning Hearing 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 Zoning

Hearing Board, but the Zoning Hearing 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 Zoning Hearing Board as provided in Section 14.06.

B. The chairman of the Zoning Hearing Board may designate alternate members of the board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of Lower Frankford Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

14.05 Expenditures for Services

Within the limits of funds appropriated by the governing body, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

14.06 Hearings

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

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance 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 ordinance or, in the absence of ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The first hearing shall be commenced within sixty (60) days from the date of the receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case within one hundred (100) days of the first hearing. Hearings shall be conducted pursuant to Section 908 of the Pennsylvania Municipalities Planning Code.

D. The hearings shall be conducted by the Zoning Hearing 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 Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings of the hearing officer as final.

E. The parties to the hearing shall be Lower Frankford Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

F. The chairman or acting chairman of the Zoning Hearing 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.

G. 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.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Zoning Hearing 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 Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing 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.

J. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice

and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. The Zoning Hearing 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 Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this ordinance or of any other ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

Where the Zoning Hearing Board fails to render its decision within the period required by this Subsection, or fails to commence, conduct or complete the required hearing as provided in Section 14.06, 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 Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in Subsection A. of this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

L. 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 Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

14.07 Jurisdiction

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to section 690.1and 916.l (a) (2) of the Pennsylvania Municipalities Planning Code.

2. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

3. Appeals from a determination by a municipal 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.

4. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to section14.09.

5. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 14.10.

6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

7. Appeals from the Zoning Officer's determination under section 916.2 of the Pennsylvania Municipalities Planning Code.

8. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Subdivision/Land Development Ordinance or Planned Residential Development applications.

B. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Applications for curative amendment to the Zoning Ordinance pursuant to Sections 609.1 and 916.l(a) (2) of the Pennsylvania Municipalities Planning Code.

2. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 609 of the Pennsylvania Municipalities Planning Code. 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.

3. Appeals from the determination of the Zoning Officer or the municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for land development under the Township Subdivision and Land Development Ordinance.

4. All applications for approval of subdivisions or land developments pursuant to Section 508 of the Pennsylvania Municipalities Planning Code.

5. Applications for conditional use under the express provisions of Article 9 of this ordinance, pursuant to Section 603(c)(2) of the Pennsylvania Municipalities Planning Code.

14.08 Applicability of Judicial Remedies

Nothing contained in this article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

14.09 Zoning Hearing Board's Functions; Variances

A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the appellant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or

permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of The Pennsylvania Municipalities Planning Code and this Zoning Ordinance.

14.10 Zoning Hearing Board's Functions; Special Exceptions

Where the Board of Supervisors, in the Zoning 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. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of The Pennsylvania Municipalities Planning Code and the Zoning Ordinance.

14.11 Parties Appellant Before the Zoning Hearing Board

Appeals under Section 14.07 A. 1, 2, 3, 6, 7, and 8 may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under section 14.09 and for special exception under section 14.10 may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 15. AMENDMENT AND APPEALS

15.01 Enactment of Zoning Ordinance Amendments

A. For the preparation of amendments to this Zoning ordinance, the procedure set forth in section 607 of the Pennsylvania Municipalities Planning Code for the preparation of a proposed zoning ordinance shall be optional.

B. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within the Township, or an owner of the mineral rights in a tract or parcel of land within the Township who has made a timely request in accordance with Section 109 of the Pennsylvania Municipalities Planning Code. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or areas shall be posted at least one week prior to the date of the hearing. Property postings are not required as part of a comprehensive rezoning process for the entire Township.

C. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors 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 Board of Supervisors shall hold another public hearing, pursuant to public notice, mailed notice and electronic notice, before proceeding to vote on the amendment.

E. At least forty-five (45) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Cumberland County Planning Commission for recommendations.

F. The Township may offer a mediation option as an aid in completing proceedings authorized by Article IX or Article X-A of the Pennsylvania Municipalities Planning Code. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

G. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Cumberland County Planning Commission.

15.02 Procedure for Landowner Curative Amendments

A. A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body or zoning hearing board with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The governing body shall commence a hearing thereon within sixty (60) days of the request as provided in said Section. The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission as provided in Section 15.01 and notice of the hearing thereon shall be given as provided in Section 15.04 of this ordinance and in Section 916.1 of the Pennsylvania Municipalities Planning Code.

B. The hearing shall be conducted in accordance with Section 14.06 and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this Subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

C. If the Board of Supervisors of Lower Frankford Township determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

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

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

15.03 Procedure for Municipal Curative Amendments

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

A. The Township shall declare by formal action, this Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Board of Supervisors of Lower Frankford Township shall:

1. By resolution make specific findings setting forth the declared invalidity of the zoning 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 require revision; or

(c) Reference to the entire ordinance which requires revisions.

2. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

B. Within one hundred and eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by Section 15.01 in order to cure the declared invalidity of the Zoning Ordinance.

C. Upon the initiation of the procedures, as set forth in clause A., the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 15.02, nor shall the Zoning Hearing Board be required to give a report requested under Section 14.07 or 916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause A. 1.. Upon completion of the procedures as set forth in clauses A. and B., no rights to a cure pursuant to the provisions of Sections 15.02 of this ordinance and 916.1 of the Pennsylvania Municipalities Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this Section.

D. If the Township utilizes the procedures as set forth in clauses A. and B. it may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a

curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to clause B.; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this ordinance to fulfill said duty or obligation.

15.04 Publication, Advertisement and Availability of Ordinances

A. Amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

2. An attested copy of the proposed amendment shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

B. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

C. This zoning ordinance and any amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

15.05 Appeals

A. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended shall be used for securing review of any decision rendered pursuant to Article 14 of this zoning ordinance.

B. All appeals from all land use decisions rendered pursuant to Article 14 of this ordinance shall be taken to the Court of Common Pleas of Cumberland County and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa. C.S. Section 5572 (relating to time of entry

of order) or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in Section 14.06 (K) of this ordinance.

C. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption shall be raised by appeal taken directly to the court of common pleas of the judicial district which the municipality adopting the ordinance is located in accordance with 42 Pa. C.S. Section 5571.1 (relating to appeals from ordinances, resolutions, maps, etc).

THIS PAGE IS INTENTIONALLY BLANK

ARTICLE 16. ENACTMENT

16.01 Enactment

Enacted into law by the Board of Supervisors of Lower Frankford Township, Cumberland County, Pennsylvania, this 6th day of August, 2019.

by:

by:

by:

ATTEST:

by: