

FRANKLIN TOWNSHIP
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 of 2008

AN ORDINANCE AMENDING THE FRANKLIN TOWNSHIP ZONING
ORDINANCE (ORDINANCE NO. 2006-1) TO REVISE VARIOUS
REQUIREMENTS RELATED TO PRIVATE CLUBS, SHARED
DRIVEWAYS, ACCESSORY STRUCTURES, FLAG LOTS, KENNELS,
HOME BUSINESSES, RESIDENTIAL LOT DIMENSIONS, MUSEUMS,
AND HISTORICAL EDUCATIONAL, AND CULTURAL ATTRACTIONS,
AND INDOOR SPORTS FACILITIES

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Franklin, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same that the Franklin Township Zoning Ordinance (Ordinance No. 2006-1) is hereby amended as follows:

1. §111 – Article 1 “Background Provisions”, Section 111 “Definitions” is hereby amended by the addition of the following definition:

“FLAG LOT” - A land parcel having the configuration of an extended flag and pole. The “Flag” shall include that portion of the lot that is the location or proposed location of the principal and accessory buildings. The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road. The pole shall maintain a minimum width of twenty-five (25) feet with a maximum width of forty-five (45) feet.”

2. §111 – Article 1 “Background Provisions”, Section 111 “Definitions” is hereby amended by the addition of the following definition:

“HISTORICAL, EDUCATIONAL, OR CULTURAL ATTRACTIONS - A facility open to the public that provides enhanced knowledge of an industry, culture, historical, or other

genre that is unique to the region or its inhabitants; reflects the customs, products, and/or arts of the region or its inhabitants; or reflects the past events of the region or its inhabitants.”

3. §111 – Article 1 “Background Provisions”, Section 111 “Definitions” is hereby amended by substitution of the term “HOME OCCUPATION” for the term “HOME BUSINESS”. The definition shall remain unchanged.

4. §111 – Article 1 “Background Provisions”, Section 111 “Definitions” is hereby amended by substitution of the following definition for “Indoor Commercial Recreation Facility” (found under “Commercial Recreation Facility”), as follows:

“1. INDOOR COMMERCIAL RECREATION FACILITY – A commercial recreation facility operating primarily indoors, including but not limited to bowling alleys, health clubs, and indoor sports facilities. Indoor commercial recreation facilities may have minimal ancillary outdoor facilities.”

5. §111 – Article 1 “Background Provisions”, Section 111 “Definitions”, is hereby amended by substitution for the definition of “Kennel” to read as follows:

“KENNEL – Any lot, parcel of ground, or area of land on which six (6) or more animals that are older than six months (except relating to a farm) are kept, boarded, raised, bred, treated, or trained, whether a fee therefor is charged or not, including, but not being limited to, kennels for dogs, cats, mixed breed animals, and hybrids of any species.”

6. §111 – Article 1 “Background Provisions”, Section 111 “Definitions”, is hereby amended by substitution for the definition of “Land Development” paragraph 2.b. to read as follows:

“b. The addition of an accessory building less than 1000 square feet,

including farm buildings, on a lot or lots subordinate to an existing principal building; or”

7. §111 - Article 1 “Background Provisions” Section 111 “Definitions”, is hereby amended by addition of the following definition:

“MUSEUM - An institution in the service of society and of its development, and open to the public, which acquires, conserves, researches, communicates, and exhibits, for purposes of study, education, and enjoyment, material evidence of people and their environment.”

8. §200.B - Article 2 “Zoning Regulations”, Section 200 “Industrial Zone (I)”, subsection B “Permitted Uses” is hereby amended by the addition of “Museums and Historical, Educational, or Cultural Attractions.”

9. §203.B.13 - Article 2, “Zoning Regulations”, Section 200 “Industrial Zone (I)”, subsection B “Permitted Uses”, paragraph “13” is hereby amended by substitution to read as follows:

“13. Accessory uses customarily incidental to the above permitted uses (less than 1000 sq.ft.)”

10. §203.C.1 - Article 2, “Zoning Regulations”, Section 200 “Industrial Zone (I)”, subsection C “Conditional Uses”, paragraph “1” is hereby amended by substitution to read as follows:

“1. Accessory uses customarily incidental to the above permitted uses (1000 sq.ft. or larger).”

11. **§200.G.2** – Article 2 “Zoning Regulations”, Section 200 “Industrial Zone (I)”, subsection G “Maximum Permitted Height”, paragraph 2 is hereby amended by substitution to read as follows:

“2. Accessory structures: Fifty feet (50’).”

12. **§201.B** – Article 2 “Zoning Regulations”, Section 201 “Mixed Use Zone”, subsection B “Permitted Uses” is hereby amended by the addition of “Museums and Historical, Educational, or Cultural Attractions.”

13. **§201.B.27** – Article 2, “Zoning Regulations”, Section 201 “Mixed Use Zone (MU)”, subsection B “Permitted Uses”, paragraph “27” is hereby amended by substitution to read as follows:

“27. Accessory uses customarily incidental to the above permitted uses (less than 1000 sq.ft.).”

14. **§201.C.1** – Article 2, “Zoning Regulations”, Section 201 “Mixed Use (MU)”, subsection C “Conditional Uses”, paragraph “1” is hereby amended by substitution to read as follows:

“1. Accessory uses customarily incidental to the above permitted uses (1000sq ft. or larger).”

15. **§201.C.3** – Article 2 “Zoning Regulations”, Section 201 “Mixed Use Zone (MU)”, subsection C “Conditional Uses” is hereby amended by substitution of “3. Clubhouses for private clubs” with “3. Private Clubs”.

16. **§201.C.4** – Article 2 “Zoning Regulations”, Section 201 “Mixed Use Zone (MU)”, subsection C “Conditional Uses”, paragraph 4 is hereby amended by substitution to read as follows:

"4. Indoor Commercial Recreation Facility"

17. **§201.G.** – Article 2 "Zoning Regulations", Section 201 "Mixed Use Zone (MU)", Subsection G "Maximum Permitted Building Height" is hereby amended by substitution as follows:

"1. Principle structure: Forty feet (40').

2. Accessory structures: Forty feet (40').

3. Agricultural structures: Fifty feet (50') provided all structures are set back a distance at least equal to their height from all property lines."

18. **§202.B.12** – Article 2 "Zoning Regulations", Section 202 "Open Space Zone (OS)", subsection B "Permitted Uses", paragraph 12 is hereby amended by substitution to read as follows:

"Accessory uses customarily incidental to the above permitted uses (less than 1000 sq.ft.)."

19. **§202.C** – Article 2 "Zoning Regulations", Section 202 "Open Space Zone (OS)", subsection C "Conditional Uses" is hereby amended by the addition of "Kennels" and "Museums and Historical, Educational and Cultural Attractions."

20. **§202.C.1** – Article 2 "Zoning Regulations", Section 202 "Open Space Zone (OS)", subsection C "Conditional Uses", paragraph 1 is hereby amended by substitution to read as follows:

"1. Accessory uses customary incidental to the above permitted uses (1000 sq. ft. or larger)"

21. **§202.H.2** – Article 2 “Zoning Regulations”, Section 202 “Open Space Zone (OS)”, subsection H “Maximum Permitted Height” paragraph 2 is hereby amended by substitution to read as follows:

“2. Accessory structures: Twenty-five feet (25’).”

22. **§203.B.14** – Article 2, “Zoning Regulations”, Section 203 “Residential Zone (R)”, subsection B “Residential Uses”, paragraph “14” is hereby amended by substitution to read as follows:

“14. Accessory uses customarily incidental to the above permitted uses (less than 600 sq.ft.).”

23. **§203.C.1** – Article 2, “Zoning Regulations”, Section 203 “Residential Zone (R)”, subsection C “Conditional Uses”, paragraph “1” is hereby amended by substitution to read as follows:

“1. Accessory uses customarily incidental to the above permitted uses (600 sq.ft. or larger).”

24. **§203.C** – Article 2, “Zoning Regulations”, Section 203 “Residential Zone (R)”, subsection C “Conditional Uses” is hereby amended by the addition of “Museums and Historical, Educational or Cultural Attractions.”

25. **§203.G.3.a** – Article 2 “Zoning Regulations”, Section 203 “Residential Zone (R)”, subsection G “Unit Layout and Lot Dimension Requirements”, subsection 3 “Lots served by public water or sewer”, paragraph “a” is hereby amended by substitution to read as follows:

“a. Minimum lot width: 150 feet.”

26. **§203.H.2** – Article 2 “Zoning Regulations”, Section 203 “Residential Zone (R)”, subsection H “Maximum Permitted Height”, paragraph 2 is hereby amended by substitution to read as follows:

“2. Accessory structures: Twenty-five feet (25’).”

27. **§203.I** – Article 2 “Zoning Regulations”, Section 203 “Residential Zone (R)” is hereby amended by the deletion of subsection I, which reads as follows: “Sharing of the driveways and storm water management and parking facilities are encouraged with the appropriate maintenance agreements established a the time of land development.”

28. **§404** – Article 4 “Specific Criteria”, Section 404 “Animal Hospitals, Kennels, Pet Cemeteries, and Related Uses” is hereby amended by the deletion of “Kennels” from the title.

29. **§424.A** – Article 4 “Specific Criteria”, Section 424 “Flag-Lot Residences”, subsection A is hereby amended by substitution to read as follows:

“A. Only one flag lot shall be permitted for each tract of land legally in existence at the time of adoption of this Ordinance (June 9, 2008). ”

30. **§424.B.** – Article 4 “Specific Criteria”, Section 424 “Flag-Lot Residences” is hereby amended by the deletion of subsection “B.”

31. **§424.E** – Article 4 “Specific Criteria”, Section 424 “Flag-Lot Residences”, subsection E “Requirements for the pole”, paragraph “1” is hereby amended by addition of “with a maximum width of forty-five (45) feet” to read in its entirety as follows:

“1. The pole shall maintain a minimum width of twenty-five (25) feet with a maximum width of forty-five (45) feet.”

32. §424.E – Article 4 “Specific Criteria”, Section 424 “Flag-Lot Residences”, subsection E “Requirements for the pole”, paragraph “4” is hereby amended by substitution to read in its entirety as follows:

“4. No pole shall be located within four hundred fifty (450) feet of another on either side of the street, measured from the nearest boundary lines of the Flag Lots at the point they intersect the street right-of-way line.”

33. §428A – Article 4 “Specific Criteria” is hereby amended by the addition of New Section 428A “Historical, Educational and Cultural Attractions”, to read as follows:

“428A. Historical, Educational and Cultural Attractions.

Within the Open Space and Residential Zones, Historical, Educational and Cultural Attractions are permitted by conditional use, subject to the following criteria:

A. If the subject property contains more than two acres, it shall front on an arterial or collector road.

B. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.

C. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of but not limited to hours of operation, noise, light, litter, dust, pollution, and traffic congestion.

D. Required off-street parking will be determined based upon the types of activities proposed. Overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

E. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads.”

34. §435A – Article 4 “Specific Criteria” is hereby amended by the addition of a new Section 435A “Kennels”, as follows:

“435A. Kennels.

A. Standards are set forth in the Franklin Township Ordinance 1-1998 adopted February 10, 1998”

35. §439A – Article 4 “Specific Criteria” is hereby amended by the addition of New Section 439A “Museums”, to read as follows:

“439A. Museums.

Within the Open Space and Residential Zones, Museums are permitted by conditional use, subject to the following criteria:

A. If the subject property contains more than two acres, it shall front on an arterial or collector road.

B. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of but not limited to hours of operation, noise, light, litter, dust, pollution and traffic congestion.

D. Required off-street parking will be determined based upon the types of activities proposed and the size of the facility. Overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain

fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.”

36. §444.A – Article 4 “Specific Criteria”, Section 444 “Private Clubs”, subsection A is hereby amended by substitution of “seven thousand (7,000) square feet” with “fifteen thousand (15,000) square feet.”

37. §444.B – Article 4 “Specific Criteria”, Section 444 “Private Clubs”, subsection B is hereby amended by the deletion of the first sentence, which reads “Off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s).”

38. The Franklin Township Zoning Ordinance is hereby amended by the substitution of “cottage industries” with “home occupations” throughout the entirety of the Ordinance.

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

40. Any other Ordinance or Resolution or parts thereof inconsistent with this Ordinance be and area hereby expressly repealed.

41. This Ordinance shall be effective at 12:01 A.M. on the 6th day following the adoption hereof by the Board of Supervisors of the Township of Franklin.

ENACTED AND ORDAINED this 9th day of June, 2008.

ATTEST:

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS

Nancy Zentmeyer
Nancy Zentmeyer, Secretary

By: Ronald J. [Signature]
Chairman

By: John F. Stambaugh
Vice-Chairman

By: [Signature]
Supervisor

By: [Signature]
Supervisor

By: _____
Supervisor

CERTIFICATE

I, the undersigned, Secretary of the Township of Franklin, York County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which was duly enacted by affirmative vote of a majority of the members of the Board at a meeting held on , 20__; said Ordinance has been duly recorded in the Ordinance Book of the Township; said Ordinance has been duly published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 9th day of June, 2008.

Nancy Zetmeyer
Secretary

(SEAL)