

TOWNSHIP OF FRANKSTOWN  
BLAIR COUNTY, PENNSYLVANIA

AMENDMENT ORDINANCE NO. 100207-A

AN ORDINANCE OF THE TOWNSHIP OF FRANKSTOWN, BLAIR COUNTY, PENNSYLVANIA, CODIFYING AND AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF FRANKSTOWN REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, OR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE, AND ALL FACILITIES IN AND ABOUT SUCH BUILDINGS AND STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE, THE DEPTH AND THE WIDTH OF YARDS AND OTHER OPEN SPACES AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; ESTABLISHING SETBACK BUILDING RESTRICTION LINES UPON PUBLIC STREETS; ESTABLISHING DISTRICTS AND THE BOUNDARIES THEREOF FOR SAID PURPOSES; PROVIDING FOR THE APPOINTMENT OF A ZONING HEARING BOARD AND SETTING FORTH THE DUTIES AND FUNCTIONS OF SAID BOARD; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE, PENALTIES FOR VIOLATION THEREOF AND PROVIDING FOR AN EFFECTIVE DATE.

The Supervisors of the Township of Frankstown in accordance with the provisions of the Act 247 of 1968, July 31, P.L. 805, as amended, known as the "Pennsylvania Municipalities Planning Code" and further by virtue and in accordance with the Second Class Township Code, as amended, hereby enact the following Ordinance codifying and amending the "Township of Frankstown Zoning Ordinance".

WHEREAS, by virtue of the passage of time it has become apparent that certain provisions of the Township of Frankstown Zoning Ordinance require codification, clarification and modification, and

WHEREAS, the Supervisors of the Township of Frankstown desire to prohibit Wind Turbine Generators in all zoning districts of the Township except the "M-F" Manufacturing-Farming District where Wind Turbine Generators would be permitted by special exception.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP SUPERVISORS OF THE TOWNSHIP OF FRANKSTOWN.

**ARTICLE I**  
**TITLE, PURPOSE AND AUTHORITY**

**SECTION 101. SHORT TITLE.** This Ordinance shall be known and may be cited as the “TOWNSHIP OF FRANKSTOWN ZONING ORDINANCE”.

**SECTION 102. PURPOSE AND AUTHORITY.** The Supervisors of the Township of Frankstown in accordance with the powers conferred upon them by the Act of July 31, 1968, Act No. 247, known as the “Pennsylvania Municipalities Planning Code”, as amended, and further, by virtue of and in accordance with the Second Class Township Code, as amended, hereby enact the following ordinance. The purpose and interest of this Amendment of the Township of Frankstown Zoning Ordinance is to:

- A. Promote the general health, safety, morals and the general welfare of the Township of Frankstown.
- B. Provide further for a coordinated and practical community development.
- C. Encourage the utilization of appropriate construction practices to minimize flood damage in the future.
- D. Minimize danger to public health by protection the water supply and natural drainage.

**SECTION 103. GENERAL PROVISIONS.** The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Ordinance:

**A. USE REGULATIONS.**

- 1. **Farming:** The tilling of the soil, raising of crops and gardening shall be permitted in any district, subject to the area regulations of the district where the farming is located.
- 2. **Mining and Quarrying:** Mining and quarrying shall be permitted in the “M-F” Manufacturing-Farming District and shall be carried on in such manner that the health, safety and welfare of the public shall at all times be protected.
- 3. **Municipal Uses:** In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended or designed for municipal uses, including municipal recreational uses, providing the intended use is consistent with the permitted use in the district.
- 4. **Prohibited Uses:** All public disposal of garbage, trash or other refuse either by dumping incineration or by landfill is prohibited in all districts throughout the Township without the permission of the Township or under the supervision of the Township. All buildings, structures and uses not specifically enumerated in Article IV, Article V or Article VI of this Ordinance are specifically prohibited.
- 5. **Public Utility Facilities:** Public utility facilities, excluding service and storage yards, shall be permitted in any district without regard to the use and area regulations provided; however, that buildings or structures erected for these utilities shall be subject to the height regulations and front, side and rear yard regulations of the district in which the facility is located.

**B. DEFINITIONS.**

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural.

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

The word “person” includes a partnership, association, club or corporation as well as an individual.

The word “lot” includes the word “plot” or “parcel”.

The term “shall” is always mandatory.

The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intend, arranged or designed to be used or occupied”

1. Accessory Building: A detached, subordinate building, not used for habitation, the construction and use of which is customarily incidental and subordinate to that of the main building, and located on the same lot as that occupied by the main building. Farm buildings not intended for habitation are considered to be accessory buildings.
2. Accessory Structure or Use: A structure or use customarily incidental and subordinate to the principal use or main building and located on the same lot with this principal use or main building.
3. Applicant: A person who has filed an application with the Township for any purpose set forth in this Ordinance, including their respective heirs, successors or assigns.
4. Application: Every application whether preliminary, tentative or final required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for a zoning permit, for a special exception, for a zoning variance, for the approval of a subdivision plat or plan or for the approval of a development plan.
5. Building: A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes to be used for human habitation.
6. Building, Detached: A building surrounded by open space on the same lot.
7. Building, Main: A building in which is conducted the principal use of the lot on which it is located.
8. Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.
9. Coverage: The percentage of the plot or lot area covered by the building area.
10. Department Of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies as may from time to time be established, or such Department or Departments as may in the future succeed it.
11. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
12. Driveway: An improved private vehicular passageway designed and constructed to provide vehicular access between a public street and a tract of land serving one (1) single family dwelling unit or farm.
13. Dwelling: Any building which is designed and used exclusively for residential occupancy, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts and the like, offering overnight accommodations for guest or patients. In addition, all dwellings shall be properly connected to approved and permanently-designed public or on-lot sewer, public or on-lot water, electrical and other utility systems.
14. Dwelling, Multi-Family: A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment house.
15. Dwelling, Single Family Attached (Row or Town House): A building used by one (1) family and having two (2) common walls in common with other dwellings.
16. Dwelling, Single Family, Detached: A building used by one (1) family, having only one (1) dwelling unit, and having two (2) side yards.
17. Dwelling, Single Family, Semi-Detached (Double House): A building used by one (1) family, having one (1) side yard, and one (1) common wall in common with another dwelling.
18. Dwelling, Two-Family Detached (Duplex): A building used by two (2) families with one (1) dwelling unit arranged over the other and having two (2) side yards.

19. Dwelling, Two Family, Semi-Detached (Double-Duplex): A building used by two (2) families with one (1) dwelling unit arranged over the other, having one (1) side yard and one (1) common wall in common with another duplex dwelling.
20. Dwelling Unit: A building arranged or designed for occupancy by not more than one (1) family and having separate cooking and sanitary facilities.
21. Frontage: The horizontal or curvilinear distance along the public street right-of-way line upon which a lot abuts. Vehicular access to a lot shall be provided along the frontage.
22. Garage, Private: An enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.
23. Height of Building: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.
24. Individual On-site Sewage System: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or the waters of the Commonwealth.
25. Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the residents therein, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein.
26. Land Development: (i) the improvement of one (1) lot, or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two (2) or more buildings, of the division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.
27. Landowner (Owner): The legal, beneficial, equitable 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 conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or another person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.
28. Lot: Any parcel or tract of land established by a plat, or otherwise as permitted by law, and to be used, developed or built upon as a unit.
29. Lot, Corner: A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°).
30. Lot, Flag: A lot with frontage that does not satisfy the minimum width requirements, but does have sufficient lot width away from the frontage.
31. Lot, Interior: A lot the sides of which do not abut a street.
32. Lot, Through: A lot which fronts on two (2) streets that do not intersect at the boundary of the lot.
33. Manufactured Home: Any structure intended for, or capable of, permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially named, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and recreational vehicles. Manufactured homes placed in parks shall meet the requirements for manufactured home parks. Manufactured homes placed on individual lots shall be considered "single family detached dwellings" and be bound by the requirements for said dwelling.
34. Manufactured Home Park: A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

35. 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 a structure, any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
36. New Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building, structure, and/or improvements such as street, utilities, etc. Also, for purposes of this Ordinance, all proposed subdivisions and/or land developments shall be considered to be new construction.
37. Non-Participating Property: All properties (including a residence) of property owners which are not participating property owners or property.
38. Participating Property: A property (including a residence) or property owner that is subject to an agreement or lease with a Wind Turbine Generator permittee.
39. Pennsylvania Department of Transportation (PennDOT): The Pennsylvania Department of Transportation, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.
40. Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity.
41. Plat: A map, plan or layout showing the subdivision of land and indicating and locating the boundaries of individual properties.
42. Recreational and Seasonal Land Development: The improvement and development of land for camping and/or related activities by way of the provision of campsites and any supporting facilities on a rental basis.
43. Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.
44. Recreational Vehicle Park: A parcel of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for vacation or recreation purposes.
45. Recreational Vehicle Site: A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle or other similar individual camping unit on a temporary basis.
46. Sign: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
47. Special Exception: A use permitted in a particular zoning district pursuant to the provisions of the Township of Frankstown Zoning Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq.
48. Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
49. Street, Private: Any and all streets not officially dedicated and accepted by the Township, Commonwealth of Pennsylvania, County of Blair or Federal government.
45. Street, Public: Any and all streets officially dedicated, accepted and maintained by the Township, Commonwealth of Pennsylvania, County of Blair or Federal government.
50. Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to, dwellings, buildings, sheds, private garages, decks, carports, wind turbine generators, swimming pools and other similar items.

51. Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.
52. Swimming Pool or Pool, Private: An outdoor swimming pool above or in-ground or intended to be used solely by the owner of a property, the said owner's family, or lessee thereof and lessee's family, and by guests invited to use it without the payment of any fee having a depth of twenty-four (24) inches or more at any one (1) point.
53. Use: The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.
54. Use, Principal: The main or principal use of the property, building or structure.
55. Wind Turbine Generator: An electric generating facility that converts wind energy into electricity and includes the nacelle, rotor, tower, pad transformer, if any, accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
56. Yard: An area between the permitted structures and the property lines.
57. Yard, Front: A yard extending the full width of the lot and situated between the public street right-of-way line and the front building line of the main building. The depth of the front yard shall be measured between the front building line and the public street right-of-way line.
58. Yard, Rear: A yard extending the full width of the lot and situated between the rear lot line and the rear building line of the main building. The depth of the rear yard shall be measured between the rear lot line and the rear building line of the main building.
55. Yard, Side: A yard between the side building line of the main building and the side lot extending from the front yard to the rear yard. Any lot line not a rear lot line or front lot line shall be deemed a side lot line.

### **C. DILAPIDATED BUILDINGS.**

It shall be unlawful and constitute a violation of this Ordinance for any person to maintain or allow to exist upon land owned by him/her any unused, unoccupied, and dilapidated building or structure which constitutes a physical or health hazard to the general public. Upon written notification from the Township Zoning Officer, said building or structure shall be repaired or renewed within a period of thirty (30) days. If said written notice is not complied with, then the Zoning Officer or the Township Supervisors shall proceed under the enforcement provisions of this Ordinance or by Suit in Equity.

### **D. INDIVIDUAL ON-SITE SEWAGE SYSTEMS.**

At any location within the Township where new construction is proposed and an individual on-site sewage system for the disposal of sewage is proposed, said individual on-site sewage system must be approved by the DEP, Township and Township Sewage Enforcement Officer and a permit for said individual on-site sewage system must be issued by the Township Sewage Enforcement Officer and DEP before a zoning permit and a building permit for said new construction will be issued by the Township.

### **E. FLAG LOTS.**

1. Flag lots are permitted for single family detached dwellings, and when it will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lot development techniques.
2. One (1) single family detached dwelling and accessory buildings and uses customarily incidental to said dwelling shall be the only structures and uses permitted on a flag lot.

3. For the purposes of this subsection, a flag lot shall be described as containing two (2) parts: (1) The “flag” shall include the portion of the lot that is the location of the principal and accessory buildings. (2) The “flag pole” shall be considered that portion of the lot that is used for vehicular access between the site and its adjoining public street.
4. The flag shall meet the frontage, area, front yard, rear yard and side yard requirements as specified in this Ordinance for the district in which the lot is located. The area and frontage shall be measured exclusively upon the flag.
5. The frontage shall be measured along the lot line of the flag that is closest and most parallel to the public street providing vehicular access to the lot.
6. The flag lot shall contain adequate driveway dimensions for vehicular backup (turnaround) so that ingress to and egress from the lot is in a forward direction.
7. The flag pole shall meet the following requirements:
  - a. The flag pole shall be at least thirty (30) feet in width along the public street and shall extend back there from a minimum of thirty (30) feet in width from the public street to the flag.
  - b. The flag pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
  - c. The flag pole shall be used solely and exclusively for ingress, egress and regress from the flag.
  - d. No part of the flag pole shall be used for any portion of an on-lot sewage disposal system, or any other improvement except a driveway or other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes and signs.
  - e. The edge of the driveway contained on the flag pole shall be located at least six (6) feet from any adjoining property line and twenty (20) feet from any existing structures on the property or any adjoining property.
  - f. No flag pole shall be located within two hundred (200) feet of another flag pole on the same side of the street.

## **ARTICLE II** **DESIGNATION OF DISTRICTS**

### **SECTION 201. ZONING DISTRICTS.**

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

**A. “R” RESIDENTIAL DISTRICT.**

**B. “R-1” DIVERSE RESIDENTIAL DISTRICT.**

**C. “M-F” MANUFACTURING-FARMING DISTRICT.**

### **SECTION 202. ZONING MAP.**

The boundaries of the districts shall be as shown upon the map attached to and made a part of this Ordinance which shall be designated “Zoning Map”. The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

## **SECTION 203. BOUNDARIES BETWEEN DISTRICTS.**

### **A. “R” RESIDENTIAL DISTRICT.**

The “R” Residential District shall be included within the following boundaries:

1. Beginning at the point four hundred (400) feet east of the easterly side of Sylvan Drive, which said point is at the Beaver Dam Branch Creek at the Hollidaysburg Borough Line; thence in a northerly direction parallel to the easterly side of Sylvan Drive to a point four hundred (400) feet from the southeasterly side of Elm Street; thence four hundred (400) feet from the southeasterly side of Elm Street and parallel to Elm Street, a distance of two thousand (2,000) feet to the end of the residential area on Elm Street; thence in a northerly direction and in a straight line to a point on the southerly line of the Perry Farm, which said point is eight hundred (800) feet southeast from the easterly side of Sylvan Heights Drive; thence along the easterly side of Sylvan Heights Drive in a northerly direction to the northerly line of the Perry Farm; thence in a southeasterly direction along the northerly line of the Perry Farm a distance of four hundred (400) feet from the easterly side of Sylvan Heights Drive parallel to Sylvan Heights Drive to the southerly side of the Frankstown Road; thence due north across the Frankstown Road and continuing due north four hundred (400) feet from the northerly side of the Frankstown Road; thence in a northwesterly direction, a distance of four hundred (400) feet from the Frankstown Road and parallel to said Frankstown Road to the boundary line between Frankstown Township and Logan Township; thence in a southwesterly direction along the boundary line between Frankstown Township and Logan Township and Allegheny Township to the Beaver Dam Branch Creek; thence along the Beaver Dam Branch Creek which constitutes the boundary between Frankstown Township and Blair Township and Hollidaysburg Borough to the point and place of beginning.
2. Starting at a point on the northerly bank of Brush Run, said point being four hundred (400) feet east of the intersection of the easterly right-of-way line of Sylvan Drive and Brush Run; thence following Brush Run in a southeasterly direction to a point where the Brush Run intersects with the northerly right-of-way line of the Scotch Valley Road; thence along and upon the northern right- of-way line of Scotch Valley Road to its intersection with Godfrey Lane; thence continuing from said intersection to a point five hundred (500) feet east of an existing unnamed stream to a point; thence in a northeasterly direction following an imaginary line five hundred (500) feet east of the unnamed stream to a point of intersection with the line of the existing “R” Residential District; thence along and upon the line of the existing “R” Residential District in a southwesterly direction to the point and place of beginning.
3. Beginning at the point four hundred (400) feet southeast of Elm Street, which said point is two thousand (2,000) feet from Sylvan Heights Drive; thence continuing parallel to Elm Street four hundred (400) feet southeast to the westerly side of Lower Brush Mountain Road; thence in an easterly direction approximately fifteen hundred (1,500) feet to the common corner of the properties of Carl Daus and James Matthew; thence in a northeasterly direction in a straight line to the southerly side of Frankstown Road, which said point is twenty-six hundred (2,600) feet from the easterly side of the Lower Brush Mountain Road intersection with Frankstown Road; thence in a due northerly direction across Frankstown Road a distance of four hundred (400) feet from the northerly side thereof to a point; thence in a westerly direction four hundred (400) feet north and parallel to said Frankstown Road to a point being the boundary of the residential district hereinbefore described, which said point is four hundred (400) feet due north of said Frankstown Road and four hundred (400) feet east of Sylvan Heights Drive; thence along the former easterly boundary line of the residential district to the point and place of beginning.

### **B. “R-1” DIVERSE RESIDENTIAL DISTRICT.**

The “R-1” Diverse Residential District shall be included within the following boundaries:

1. Beginning at a point where Old Town Run in the Township of Frankstown crosses or intersects with the Frankstown Township-Blair Township line; thence in a generally southerly direction following Old Town Run upstream to a point where Old Town Run flows under Township Road No. 378; thence due west to the Frankstown Township-Blair Township line; thence in a generally northerly direction following the Frankstown Township-Blair Township line to the point and place of beginning.
2. Beginning at a point where the residentially “R” zoned area of Frankstown Township intersects with Brush Run; a point twelve hundred (1,200) feet south of Township Road T-424; thence in a northeasterly direction



at a distance of twelve hundred (1,200) feet southeast of Township Road T-424 and parallel thereto, along Township Road T-424 to its intersection with L.R. 07011 (Frankstown Road); thence across said Frankstown Road and four hundred (400) feet northeast of Frankstown Road and parallel thereto along Frankstown Road to the boundary line of the residentially "R" zoned area in a generally southwesterly direction to the point and place of beginning.

**C. "M-F" MANUFACTURING-FARMING DISTRICT.**

The "M-F" Manufacturing-Farming District shall include all areas of the Township not included within the boundaries of the "R" Residential District and the "R-1" Diverse Residential District as defined in this Ordinance.

**SECTION 204. INTERPRETATION OF BOUNDARIES.**

- A. The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, alleys, railroad rights-of-ways, lot lines, or such lines extended, or lines parallel thereto.
- B. Where district boundaries approximate the location of the above lines, they shall be construed to be on those lines.
- C. Where figures are shown on the zoning map between a street, alley, railroad, right-of-way, or lot line and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance there from equivalent to the number of feet so indicated.
- D. Where district boundaries are not clearly fixed by the above methods, they shall be determined by the use of the scale of the zoning map.
- E. When a district boundary line divides a lot held in single and separate ownership, existing at the effective date of this Ordinance, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than fifty (50) feet beyond the district boundary line.

**ARTICLE III**

**NON-CONFORMING BUILDINGS AND USES FOR ANY DISTRICT**

All lawful uses of land or of a building, sign or other structure including businesses existing prior to June 25, 1965 may be continued, restored, reconstructed, sold or maintained even though such use may not conform to the use, height, area, yard and other regulations herein set forth.

**ARTICLE IV**

**"R" RESIDENTIAL DISTRICT**

In the "R" Residential District, only the following buildings, structures and uses shall be permitted.

**SECTION 401. USES PERMITTED**

- A. One (1) single family detached dwelling per lot.
- B. Churches or similar places of worship, parish houses and convents.
- C. Public and private schools including colleges and institutions of higher education.
- D. Public parks, playgrounds and municipal recreation areas.
- E. Municipal buildings, public libraries and museums, but not to include storage yards or garages.
- F. Hospitals and sanitariums.
- G. Public utility transmission and distribution facilities, including sub-stations, water pumping stations and reservoirs but not to include storage yards or garages.

- H. Home occupations and household pets.
- I. Golf courses and county clubs.
- J. The commercial tilling of the soil; the raising of crops, fruits and vegetables; greenhouses; and nurseries shall be permitted in the “R” Residential District providing the area or tract of land used contains at least twenty-five (25) acres. Hog farming shall not be permitted within this Residential District under any circumstances.
- K. Signs when erected and maintained in accordance with the provisions appearing herein entitled “Signs” (Article IV, Section 407).
- L. Accessory buildings and uses customarily incidental to the above uses.

**SECTION 402. HEIGHT REGULATIONS.**

- A. The height of a building shall be not greater than forty-five (45) feet.
- B. The height of a dwelling shall be not less than one (1) story.
- C. Height regulations shall not apply to spires, belfries, cupolas, penthouse, or domes not used by human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers and necessary mechanical or ornamental appurtenances.
- D. For all residential uses accessory buildings shall not exceed twenty (20) feet in height.

**SECTION 403. AREA AND WIDTH REGULATIONS.**

- A. All lots shall have frontage upon a public street.
- B. Each interior lot or through lot or flag lot not served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred (100) feet and said lot shall be a minimum of one hundred (100) feet in width from the public street right-of-way line, or the front property line of the flag in the case of a flag lot, to the rear property line of the lot. Said lots shall have an area not less than twenty thousand (20,000) square feet.
- C. Each interior lot or through lot or flag lot served by a public sanitary sewer system approved by the DEP shall have a frontage of at least seventy-five (75) feet and said lot shall be a minimum of seventy-five (75) feet in width from the public street right-of-way line, or the front property line of the flag in the case of a flag lot, to the rear property line of the lot. Said lots shall have an area not less than ten thousand (10,000) square feet.
- D. Each corner lot not served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred thirty-five (135) feet and said lot shall be a minimum of one hundred thirty (135) feet in width from the public street right-of-way to the rear property line of the lot. Said lots shall have an area not less than twenty thousand (20,000) square feet.
- E. Each corner lot served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred ten (110) feet and said lot shall be a minimum of one hundred ten (110) feet in width from the public street right-of-way to the rear property line of the lot. Said lots shall have an area not less than ten thousand (10,000) square feet.

**SECTION 404. YARD REGULATIONS.**

Each lot shall have front, side and rear yards of not less than the depth or width indicated below.

- A. Front yard – depth, thirty-five (35) feet.
- B. Side yards (2) – width, fifteen (15) feet each on an interior lot, through lot and flag lot. On a corner lot, the side yard abutting the street shall be not less than thirty-five (35) feet in width.
- C. Rear yard – depth, twenty (20) feet. On a through lot, the rear yard abutting the street shall be not less than thirty-five (35) feet in depth.
- D. An accessory structure or use shall not be erected nor shall its dimensions be increased within any front yard.

- E. On a lot, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zoning district, only one (1) single family detached dwelling may be erected, and side yards shall be provided according to the following requirements.
  - 1. On lots less than seventy-five (75) feet, two (2) side yards shall be provided, each equaling twenty percent (20%) of the lot width.
- F. An accessory structure or use may be erected within one (1) of the side yards or within the rear yard provided:
  - 1. Such accessory structure or use shall not be closer than ten (10) feet from the rear most portion of the main building.
  - 2. Where such side or rear yard is along an alley, the accessory structure or use shall be located not less than ten (10) feet from the alley.
  - 3. When constructed in the side yard or rear yard, the accessory structure or use shall be located not less than ten (10) feet from the side or rear lot line.
- G. A carport, open on three (3) sides, may be erected within one (1) of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than three (3) feet from the side lot line.
- H. Projections in Yards.
  - 1. Cornices, eaves, gutters, bay windows, or chimneys may project into the front, side, or rear yard of a lot not more than twenty-four (24) inches.
  - 2. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into any yard.
- I. Obstruction to Vision.
 

Walls, fences, signs or other structures shall not be erected or altered and hedges, trees or other growth shall not be planted or maintained which may cause danger to traffic on a street or road by obstructing view. Walls, fences, signs or other structures shall not be erected within any right-of-way of a public street. Hedges, trees or other growth shall not be planted within any right-of-way of a public street. In the case a property owner, upon receipt of a written notice of a violation of this provision from the Township, fails to correct or abate such violation as required by said notice, the Township may institute any appropriate action or proceeding to correct or abate such violation.
- J. Fences and Walls.
 

Fences and walls may be erected, altered and maintained within the yards provided that any such fence or wall in the front yard shall not exceed three and one-half (3-1/2) feet in height; and any fence or wall in side or rear yards exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet. This provision shall not apply to retaining walls.
- K. Private Swimming Pools.
 

Private swimming pools may be erected within one (1) of the side yards or within the rear yard provided. Private swimming pools shall not be erected within the front yard. Private swimming pools shall not be closer than ten (10) feet from the rear or side most portion of the main building. Swimming pools and appurtenant structures shall be constructed in compliance with the requirements set forth in the Frankstown Township Swimming Pool Ordinance, as amended and supplemented from time to time, and the Pennsylvania Uniform Construction Code.

**SECTION 405. COVERAGE REGULATIONS.**

- A. The coverage shall be no more that thirty percent (30%).
- B. The area, width or depth of any lot shall not be reduced by subdivision, sale or development so that the lot width, lot area and yards or other open spaces are smaller, or so that the coverage is greater than prescribed herein.

## **SECTION 406. OFF-STREET PARKING.**

- A. Off-Street parking facilities shall be provided to lessen congestion in the streets. As used herein, the term “parking space” includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- B. Each parking space shall consist of not less than an average of three hundred twenty-five (325) square feet of usable area for each motor vehicle, including interior driveways and connection to the garage or parking space with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than ten (10) feet wide and twenty (20) feet long. Outdoor parking spaces and the approaches thereto shall be paved or covered with gravel or stone. Such outdoor parking space shall be deemed to be a part of the open space of the lot on which it is located.
- C. A garage or carport may be located wholly or partly inside the walls of the main building, or attached to the outer walls. If separated from the main building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- D. Any of the following buildings hereafter erected and converted into one of the following buildings shall be provided with not less than minimum parking spaces as set forth below, which spaces shall be readily accessible to and within a reasonable distance from the building served thereby. Such spaces shall be on the same lot as the principal building or open area, except when otherwise authorized as a special exception.
  - 1. Dwellings: Two (2) parking spaces for each dwelling unit.
  - 2. Theaters, Auditoriums, Churches, Schools, Stadiums or any other place of public or private assembly: At least one (1) parking space for each four (4) seats provided for public or private assembly.
  - 3. Hospitals and Sanitariums: At least one (1) parking space for each five (5) patients for which accommodations are provided. Such spaces shall be in addition to those necessary for doctors and other administrative personnel.
  - 4. Swimming pools, clubs, lodges, and other similar places: At least one (1) parking space for each one hundred (100) square feet of floor area or water surface area.
  - 5. Loading and unloading space: In addition to the off-street parking space required above, hospitals or sanitariums, swimming pools, clubs, and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles. At least one (1) loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed ten thousand (10,000) square feet, one (1) additional loading berth shall be provided for each ten thousand (10,000) square feet of gross floor area. The off-street loading berth shall be not less than the ten (10) feet by twenty-five (25) feet in size.

## **SECTION 407. SIGNS.**

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other Ordinances relating to the erection, alteration, or maintenance of signs and similar devices.

- A. Signs in Residential Districts: The following types of signs and no other shall be permitted in Residential Districts.
  - 1. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises may be erected and maintained provided:
    - a. The size of any such sign is not in excess of six (6) square feet, and
    - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event one (1) such sign may be erected on each frontage.

2. Signs advertising the sale or development of the premises upon which they are erected when erected in connection with the development of the premises upon which they are erected or when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development may be erected and maintained, provided:
    - a. The size of any sign is not in excess of twenty (20) square feet, and
    - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event one (1) sign may be erected on each frontage.
  3. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of owner, developer, builder, or agent, may be erected and maintained, provided:
    - a. The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length, and
    - b. One (1) such sign may be erected at intersections of street and/or highway only.
  4. Sign bearing the word "sold" or the word "rented" with the name of the persons affecting the sale or rental may be erected and maintained provided the conditions in Subsection 407A.1 hereof, are complied with.
  5. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which the signs are erected, provided:
    - a. The size thereof is not in excess of twelve (12) square feet, and
    - b. Such signs are removed promptly upon completion of the work.
  6. Signs indicating the private nature of a driveway or trespassing signs, provided that the size of any such signs shall not exceed two (2) square feet.
  7. Signs of schools, colleges, sanitariums, churches, hospitals, or other institutions of a similar nature may be erected and maintained, provided:
    - a. The size of any such sign is not in excess of twenty (20) square feet, and
    - b. Not more than two (2) signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event one (1) such sign may be erected on each frontage.
  8. Signs advertising the sale of farm products when permitted by this Ordinance provided:
    - a. The size of any such sign is not in excess of six (6) square feet, and
    - b. Not more than two (2) signs are used, and
    - c. The signs shall be displayed only when such products are on sale.
  9. Signs advertising home occupations shall be not larger than six (6) inches by eighteen (18) inches, bearing the name and occupation (words only and not illuminated) of the practitioner.
- B. Signs shall also conform to the regulations specified in Article VII of this Ordinance.

#### **SECTION 408. DRIVEWAYS.**

- A. Driveways shall only be used to provide vehicular access between the public street and a tract of land containing one (1) single family dwelling or farm. Driveways shall be provided along the frontage of the each lot and shall not encroach upon the utility and drainage easements around the sides of the lot not fronting on a public street. The Township may require the subdivision and land development plan to identify the potential location of driveways when site conditions may limit available driveway locations. No driveway intersecting with a Township street shall be constructed without a Township driveway permit.

- B. Driveway intersections with a Commonwealth of Pennsylvania street shall be subject to the approval of PennDOT. The Applicant shall include Township comments with the submission of a PennDOT Highway Occupancy Permit. Evidence of such submission is required with the Preliminary Plan submission.
- C. Driveways shall not connect with a public street within fifty (50) feet of the right-of-way lines of any intersecting street, within five (5) feet of a fire hydrant or within ten (10) feet of adjoining lot lines.
- D. Driveways shall be provided with a clear sight triangle with a line of sight between points which are established along the centerline of the intersection streets. The minimum clear sight triangle is seventy-five (75) feet from all points. No permanent obstructions and/or plant material over thirty (30) inches high shall be placed within the clear sight distance.
- E. Driveways shall not exceed a slope of seven percent (7%) within twenty-five (25) feet of the street right-of-way.
- F. No driveway shall have a width exceeding twenty-four (24) feet at the street cartway.
- G. Driveways shall have a paved apron for a distance of twenty-five (25) feet from the paved edge of the street cartway.
- H. Driveways shall be provided with adequate controls for storm water runoff from the driveway, along the driveway and along the intersecting street. These controls shall comply with the provisions of the Frankstown Township Stormwater Management Ordinance.

**ARTICLE V**  
**“R-1” DIVERSE RESIDENTIAL DISTRICT**

In the “R-1” Diverse Residential District only the following buildings, structures and uses shall be permitted.

**SECTION 501. USES PERMITTED.**

- A. One (1) Single Family Detached Dwelling per lot.
- B. One (1) Single Family Semi-Detached Dwelling (Double Home) per lot.
- C. Single Family Attached Dwellings (Row or Town House).
- D. One (1) Two-Family Detached Dwelling (Duplex) per lot.
- E. One (1) Two-Family Semi-Detached Dwelling (Double Duplex) per lot.
- F. Multi-Family Dwellings.
- G. Churches or similar places of worship, parish houses and convents.
- H. Public and private schools including colleges and institutions of higher education.
- I. Public parks, playgrounds and municipally recreation area.
- J. Municipal buildings, public libraries and museum but not to include storage yards or garages.
- K. Hospitals and sanitariums.
- L. Public utility transmission and distribution facilities including sub-stations, water pumping stations and reservoirs but not to include storage yards or garages.
- M. Home occupations and household pets.
- N. Golf courses and country clubs.
- O. The commercial tilling of the soil, the raising of crops fruits and vegetables, greenhouses and nurseries shall be allowed permitted providing the area or tract of land used contains at least twenty-five (25) acres under any circumstance. Hog farming shall not be permitted within this “R-1” Diverse Residential District under any circumstances.

- P. Signs when erected and maintained in accordance with the provisions appearing in Article IV, Section 407 entitled "Signs" of this Ordinance.
- Q. Accessory buildings and uses customarily incidental to the above uses.

## **SECTION 502. HEIGHT REGULATIONS.**

- A. The height of a dwelling shall not be less than one (1) story.
- B. Height regulations shall not apply to spires, belfries, cupolas, penthouses or domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers and necessary mechanical or ornamental appurtenance.
- C. For all residential uses accessory buildings shall not exceed twenty (20) feet in height.
- D. The height of a building shall be not greater than forty-five (45) feet with the exception of Multi-Family Dwellings, which shall be limited in height by the further limitation of no more than fifteen (15) dwelling units per acre. In computation of the units per acre, the entire tract may be considered; however, if it is, then in no event may the tract later be subdivided.

## **SECTION 503. AREA AND WIDTH REGULATIONS.**

- A. All lots shall have frontage upon a public street.
- B. Single Family Detached Dwelling.
  - 1. Each interior lot or through lot or flag lot not served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred (100) feet and said lot shall be a minimum of one hundred (100) feet in width from the public street right-of-way line, or the front property line of the flag in the case of a flag lot, to the rear property line of the lot. Said lots shall have an area not less than twenty thousand (20,000) square feet.
  - 2. Each interior lot or through lot or flag lot served by a public sanitary sewer system approved by the DEP shall have a frontage of at least seventy-five (75) feet and said lot shall be a minimum of seventy-five (75) feet in width from the public street right-of-way line, or the front property line of the flag in the case of a flag lot, to the rear property line of the lot. Said lots shall have an area not less than ten thousand (10,000) square feet.
  - 3. Each corner lot not served by a public sanitary sewer system approved by the Pennsylvania Department of Environmental Protection shall have a frontage of at least one hundred thirty-five (135) feet and said lot shall be a minimum of one hundred thirty-five (135) feet in width from the public street right-of-way to the rear property line of the lot. Said lots shall have an area not less than twenty thousand (20,000) square feet.
  - 4. Each corner lot served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred ten (110) feet and said lot shall be a minimum of one hundred ten (110) feet in width from the public street right-of-way to the rear property line of the lot. Said lots shall have an area not less than ten thousand (10,000) square feet.
- B. Single Family Semi-Detached Dwelling (Double Home) and Two-Family Detached Dwelling (Duplex).
  - 1. Each interior lot and through lot not served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred fifty (150) feet and said lot shall be a minimum of one hundred fifty (150) feet in width from the public street right-of-way line to the rear property line of the lot. Said lots shall have an area not less than thirty thousand (30,000) square feet.
  - 2. Each interior lot and interior lot served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred (100) feet and said lot shall be a minimum of one hundred (100) feet in width from the public street right-of-way line to the rear property line of the lot. Said lots shall have an area not less than fifteen thousand (15,000) square feet.
  - 3. Each corner lot not served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred seventy-five (175) feet and said lot shall be a minimum of one hundred seventy-five (175)

feet in width from the public street right-of-way to the rear property line of the lot. Said lots shall have an area not less than thirty thousand (30,000) square feet.

4. Each corner lot served by a public sanitary sewer system approved by the DEP shall have a frontage of at least one hundred twenty-five (125) feet and said lot shall be a minimum of one hundred twenty-five (125) feet in width from the public street right-of-way to the rear property line of the lot. Said lots shall have an area not less than fifteen thousand (15,000) square feet.

5. These types of dwellings are not permitted on a flag lot.

C. Single Family Attached Dwellings (Row or Town House).

Of this type dwelling, no more than eight (8) single family units per acre shall be constructed. This type of dwelling is not permitted on a flag lot. In addition thereto, no such construction shall be allowed unless served by a public sanitary sewer system.

D. Two Family Semi-Detached Dwelling (Double Duplex).

1. No construction of this type of dwelling shall be allowed unless served by a public sanitary sewer system.
2. Each interior lot and through lot shall have a frontage of at least one hundred fifty (150) feet and said lot shall be a minimum of one hundred fifty (150) feet in width from the public street right-of-way line to the rear property line of the lot. Said lots shall have an area not less than thirty thousand (30,000) square feet.
3. Each corner lot shall have a frontage of at least one hundred seventy-five (175) feet and said lot shall be a minimum of one hundred seventy-five (175) feet in width from the public street right-of-way to the rear property line of the lot. Said lots shall have an area not less than thirty thousand (30,000) square feet.
4. This type of dwelling is not permitted on a flag lot.

E. Multi-Family Dwellings.

All multi-family dwellings must be served by a public sanitary sewer system and shall be limited to fifteen (15) dwelling units per acre. In computation of the units per acre, the entire tract may be considered; however, if it is, then in no event may the tract later be subdivided. This type of dwelling is not permitted on a flag lot.

#### **SECTION 504. YARD REGULATIONS.**

Yard regulations for the “R-1” Diverse Residential District shall conform to the “R” Residential District (Article IV of this Ordinance) with the following exceptions:

- A. Where a Single Family Attached Dwelling (Row or Town House) or a Semi-Detached Two-Family Dwelling (Double Duplex) is constructed, then said building shall be constructed not closer than fifty (50) feet from a public street right-of-way line.
- B. When a Multi-Family Dwelling is constructed, no portion of said dwelling shall be closer than fifty (50) feet from a public street right-of-way line.

#### **SECTION 505. COVERAGE REGULATIONS.**

- A. The coverage shall be no more than forty-five percent (45%).
- B. The area, width or depth of any lot, shall not be reduced by subdivision, sale or development so that the lot width, lot area and yards or other open spaces are smaller, or so that the coverage is greater than prescribed herein.

#### **SECTION 506. OFF-STREET PARKING.**

The regulations with regard to Off-Street Parking in the “R-1” Diverse Residential District shall conform to the Off-Street Parking Regulations for the “R” Residential District (Article IV of this Ordinance).



## **SECTION 507. SIGNS.**

The regulations with regard to signs shall be the same in the “R-1” Diverse Residential District as they are in the “R” Residential District (Article IV of this Ordinance). Signs shall also conform to the regulations specified in Article VII of this Ordinance entitled “General Sign Regulations for Any District”.

## **SECTION 508. DRIVEWAYS.**

The regulations with regard to driveways shall be the same in the “R-1” Diverse Residential District as they are in the “R” Residential District (Article IV of this Ordinance).

## **ARTICLE VI** **“M-F” MANUFACTURING-FARMING DISTRICT**

In the “M-F” Manufacturing-Farming District, only the following buildings, structures and uses shall be permitted.

### **SECTION 601. USES PERMITTED.**

- A. **One (1) Single Family Detached Dwelling per lot.**
- B. One (1) Single Family Semi-Detached Dwelling (Double Home) per lot.
- C. Single Family Attached Dwellings (Row or Town House).
- D. One (1) Two-Family Detached Dwelling (Duplex) per lot.
- E. One (1) Two-Family Semi-Detached Dwelling (Double Duplex) per lot.
- F. Multi-Family Dwellings.
- G. Churches or similar places of worship, parish houses and convents.
- H. Public and private schools including colleges and institutions of higher education.
- I. Cemeteries and mortuaries.
- J. Public and private parks and recreation grounds, camping grounds and camps.
- K. Hospitals and sanitariums, hotels, motels, restaurants and manufactured home parks.
- L. Public utility transmission and distribution facilities, including substations, water pumping stations and reservoirs.
- M. Airports, radio and television towers.
- N. Municipal buildings, public libraries and museums.
- O. Home occupation and household pets.
- P. Golf courses and country clubs.
- Q. Any commercial, manufacturing or industrial use.
- R. The tilling of the soil, the raising of crops, fruits and vegetables, greenhouse and nurseries.
- S. The storage and packing of fruits and vegetables.
- T. The hatching, raising, slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys or other fowl of poultry, rabbits, fish or frogs.
- U. The raising, grazing and slaughtering of horses, cattle, hogs, sheep, or goats, including the supplementary feeding of such animals.
- V. The keeping and raising of hogs, provided that there shall be no feeding of any market or house refuse, garbage or offal, other than that produced on the premises.

- W. Production of forest products and forest industries.
- X. Summer cottages, hunting and fishing cabins.
- Y. Mining and quarrying.
- Z. Preservation of natural amenities.
- AA. The processing, storage and sale of milk and milk products.
- BB. Animal hospitals, dog kennels, public and private stables and riding academies.
- CC. Signs and billboards.
- DD. Recreational Vehicle Parks.
- EE. One (1) wind turbine generator per lot by special exception.
- FF. Wind turbine generators used primarily for residential or farm use.
- GG. Accessory buildings and uses customarily incidental to the above uses.

**SECTION 602. HEIGHT REGULATIONS.**

- A. The height of a non-residential building or structure shall be not greater than seventy-five (75) feet.
- B. The height of a residential building or structure shall be not less than one (1) story.
- C. Height regulations shall not apply to spires, belfries, cupolas, penthouse, or domes not used by human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, wind turbine generators and necessary mechanical or ornamental appurtenances.
- D. For all residential uses accessory buildings shall not exceed twenty (20) feet in height.

**SECTION 603. AREA AND WIDTH REGULATIONS.**

- A. All lots shall have frontage upon a public street.
- B. Area and width regulations for the “M-F” Manufacturing-Farming District shall conform to the area and width regulations for the “R” Residential District (Article IV of this Ordinance) and the “R-1” Diverse Residential District (Article V of this Ordinance).

**SECTION 604. YARD REGULATIONS.**

Each lot shall have front, side, and rear yards of not less than the depth or width indicated below.

- A. Front yard – depth, 35 feet.
- B. Side yards (2) – width, 15 feet each on an interior lot, through lot or flag lot. On a corner lot, the side yard abutting the street shall be not less than 35 feet in width.
- C. Rear yard – depth, 20 feet. On a through lot, the rear yard abutting the street shall be not less than thirty-five (35) feet in depth.
- D. Dwellings, Single Family, Semi-Detached (Double House); Dwellings, Single-Family, Attached (Row or Town House); Dwellings, Two-Family Detached (Duplex); Dwelling, Two-Family, Semi-Detached (Double-Duplex); and Dwellings, Multi-Family and accessory structures and uses when constructed within the “M-F” Manufacturing-Farming District must conform to the same yard regulations as set forth in Article V of this Ordinance entitled “R-1” Diverse Residential District (Section 504).
- E. On a lot, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zoning district, only one (1) single family detached dwelling may be erected, and side yards shall be provided according to the following requirements.

1. On lots less than seventy-five (75) feet, two (2) side yards shall be provided, each equaling twenty percent (20%) of the lot width.
- F. An accessory structure or use may be erected within a yard provided:
1. Such accessory structure or use shall not be closer than ten (10) feet from the front or rear most portion of the main building.
  2. Where such side or rear yard is along an alley, the accessory structure or use shall be located not less than ten (10) feet from the alley.
  3. When constructed in the side yard or rear yard, the accessory structure or use shall be located not less than ten (10) feet from the side or rear lot line.
  4. When constructed in the front yard, the accessory structure or use shall be located not less than thirty-five (35) feet from the public street right-of-way line.
- G. A carport, open on three (3) sides, may be erected within one (1) of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than three (3) feet from the side lot line.
- H. Projections in Yards.
1. Cornices, eaves, gutters, bay windows, or chimneys may project into the front, side, or rear yard of a lot not more than twenty-four (24) inches.
  2. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into any yard.
- I. Obstruction to Vision.
- Walls, fences, signs or other structures shall not be erected or altered and hedges, trees or other growth shall not be planted or maintained which may cause danger to traffic on a street or road by obstructing view. Walls, fences, signs or other structures shall not be erected within any right-of-way of a public street. Hedges, trees or other growth shall not be planted within any right-of-way of a public street. In the case a property owner, upon receipt of a written notice of a violation of this provision from the Township, fails to correct or abate such violation as required by said notice, the Township may institute any appropriate action or proceeding to correct or abate such violation.
- J. Fences and Walls.
- Fences and walls may be erected, altered and maintained within the yards provided that any such fence or wall in the front yard shall not exceed three and one-half (3-1/2) feet in height; and any fence or wall in side or rear yards exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet. This provision shall not apply to retaining walls.
- K. Private Swimming Pools.
- Private swimming pools may be erected within one (1) of the side yards or within the rear yard provided. Private swimming pools shall not be erected within the front yard. Private swimming pools shall not be closer than ten (10) feet from the rear or side most portion of the main building. Swimming pools and appurtenant structures shall be constructed in compliance with the requirements set forth in the Frankstown Township Swimming Pool Ordinance, as amended and supplemented from time to time, and the Pennsylvania Uniform Construction Code.
- L. Wind turbine generators shall comply with the setback requirements set forth in the Frankstown Township Wind Turbine Generator Ordinance.

## **SECTION 605. COVERAGE REGULATIONS.**

The area, width or depth of any lot, shall not be reduced by subdivision, sale or development so that the lot width, lot area and yards or other open spaces are smaller than prescribed herein.

**SECTION 606. OFF-STREET PARKING.**

The regulations with regard to Off-Street Parking in the “M-F” Manufacturing-Farming District shall conform to the Off-Street Parking Regulations for the “R” Residential District (Article IV of this Ordinance). Signs shall also conform to the regulations specified in Article VII of this Ordinance.

**SECTION 607. SIGNS.**

Signs shall conform to the regulations specified in Article VII of this Ordinance entitled “General Sign Regulations for Any District”.

**SECTION 608. DRIVEWAYS.**

The regulations with regard to driveways shall be the same in the “M-F” Manufacturing-Farming District as they are in the “R” Residential District (Article IV of this Ordinance).

**ARTICLE VII  
GENERAL SIGN REGULATIONS FOR ANY DISTRICT**

The following regulations shall apply to all permitted sign uses:

- A. Signs must be constructed of durable materials, maintained in good condition, and not allowed to be dilapidated.
- B. Signs shall not be placed in such a position that they will cause danger to traffic on a street by obscuring the view.
- C. Hereafter, signs, other than an official traffic sign and historical markers authorized by the Township shall not be erected within the cartway of any street nor on posts at the curb or within the sidewalk area.
- D. A permit shall not be required for the erection, alteration, or maintenance of any signs permitted in a residential district.
- E. All signs shall be removed when the circumstances leading to their erection no longer apply.

**ARTICLE VIII  
SPECIAL EXCEPTIONS**

**SECTION 801. GENERAL DESCRIPTION.**

Special exceptions are deemed to be permitted uses in their respective districts subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such cases are hereby declared to possess certain characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception is granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objective of this Ordinance.

**SECTION 802. PROCEDURE.**

The appeal procedure as stated in Article IX, Administration, of this Ordinance shall be followed.

**SECTION 803. PLAN REQUIRED.**

A plan drawn to a scale of not more than four hundred (400) feet to the inch for the proposed site for a permitted special exception shall be submitted with the application. Such plan shall include, but not be limited to, the location of all structures, parking areas, roadways, traffic circulation, open spaces, grading, storm water drainage facilities,

landscaping, buffers, property lines, set back lines, utilities and other pertinent information that may be necessary to determine if the proposed special exception meets the requirements of this Ordinance.

#### **SECTION 804. GENERAL STANDARDS FOR ALL SPECIAL EXCEPTIONS.**

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria in the section which authorizes the grant of the special exception. The Zoning Hearing Board may grant approval of a special exception provided the Applicant complies with the following standards for a special exception. The burden of proof shall rest with the Applicant.

- A. The Applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the Section, which gives the Applicant the right to seek a special exception.
- B. The Applicant shall establish by credible evidence that the required set backs (front yard, side yard and rear yard) and open space area for the district have been met.
- C. The Applicant shall provide the Zoning Hearing Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations of the Commonwealth, Federal Government, Township and all public agencies having jurisdiction over the proposed use.
- D. The Applicant shall establish by credible evidence that the use of the site complies with the requirements of the Commonwealth, Federal Government and all public agencies having jurisdiction over the proposed use.
- E. The Applicant shall establish by credible evidence that the operations in connection with the use will not be more objectionable to nearby properties by reason of noise, odor, flumes, vibration, glare or smoke than would be in the operations of uses permitted as right in the district.
- F. The Zoning Hearing Board in approving special exceptions may attach conditions considered necessary for the protection, benefit and preservation of the health, safety and welfare of the general public of the Township, including conditions which are more restrictive than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in this Ordinance.

#### **SECTION 805. WIND TURBINE GENERATORS IN “M-F” MANUFACTURING-FARMING DISTRICT.**

Wind Turbine Generators in the “M-F” Manufacturing-Farming District may be allowed as a special exception by the Zoning Hearing Board provided said Wind Turbine Generators comply with the requirements of Frankstown Township Wind Turbine Generator Ordinance, as amended and supplemented from time to time, which is incorporated herein by reference, concerning the placement and operation of Wind Turbine Generators within the Township as well as comply with this Ordinance and the following:

- A. The general standards of Article VIII, Section 803 and Section 804 of this Ordinance.
- B. The following setbacks requirements:
  1. Structures:
    - a. Civil Structures. Each Wind Turbine Generator shall be set back from the nearest existing (at the time of the building permit issuance) school (private and public), college, sanitarium, hospital, clinic, retirement home, church, nursing home, government building, hotel, motel, museum or public library, a distance of no less than two thousand five hundred (2,500) feet. The setback distance shall be measured from the center of the Wind Turbine Generator base to the nearest point on the foundation of the civil structure.
    - b. Participating Residences. For existing (at the time of the building permit issuance) participating primary occupied residences, the setback distance shall from the Wind Turbine Generator shall be at least one thousand (1,000) feet. The setback distance shall be measured from the center of the Wind Turbine Generator base to the nearest point on the foundation of the existing participating primary occupied residence.

- c. Non-Participating Residences. For existing (at the time of the building permit issuance) non-participating primary occupied residences, the setback distance shall from the Wind Turbine Generator shall be at least two thousand five hundred (2,500) feet. The setback distance shall be measured from the center of the Wind Turbine Generator base to the nearest point on the foundation of the existing non-participating primary occupied residence.
- 2. Property Lines: Each Wind Turbine Generator shall be set back from the nearest property line a distance of at least one thousand (1,000) feet. The setback distance shall be measured from the center of the Wind Turbine Generator base to the nearest property line.
- 3 Public Roads: Each Wind Turbine Generator shall be set back from the nearest public road a distance of at least one thousand (1,000) feet. The setback distance shall be measured from the right-of-way line of the nearest public road to the center of the Wind Turbine Generator base.
- 4. Communication and Electric Lines: Each Wind Turbine Generator shall be set back from the nearest existing above-ground public electric power line or public telephone line a distance of at least one thousand (1,000) feet. The setback distance shall be measured from the nearest existing public electric power line or public telephone line to the center of the Wind Turbine Generator base.
- 5. Wetlands and Historic Sites and Structures: Each Wind Turbine Generator shall be set back a distance of at least two thousand five hundred (2,500) feet from any wetlands listed on the National Wetland Inventory Map for the Township and from any historic sites and structures listed on the Pennsylvania Heritage Inventory and National Historic Landmarks. The setback distance shall be measured from the center of the Wind Turbine Generator base to nearest wetland, historic site or point on the foundation of the historic structure.
- 6. Lakes, Dams, Ponds and Public/Private Water Source Wells/Springs: Each Wind Turbine Generator shall be set back a distance of at least two thousand five hundred (2,500) feet from any lake, dam, pond, and public/private water source well/spring. The setback distance shall be measured from the center of the Wind Turbine Generator base to nearest edge of a lake, dam, pond or public/private water source well/spring.
- C. The proposed site for a Wind Turbine Generator shall be necessary for efficient operation of the Wind Turbine Generator.
- D. The Applicant has entered into an agreement with each Participating Property Owner demonstrating that the Applicant has the permission of the Participating Property Owner to apply for the necessary permits for construction, operation and maintenance of a Wind Turbine Generator.
- E. The Applicant has provided written notice of intent to apply for a permit to construct a Wind Turbine Generator to all property owners and tenants occupying property within two thousand five hundred (2,500) feet of the boundaries of the property upon which the Wind Turbine Generators will be located.

## **ARTICLE IX** **ADMINISTRATION**

### **SECTION 901. AMENDMENTS.**

The Board of Supervisors, by the affirmative vote of a majority of the members, may from time to time amend, supplement, change, modify, or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner:

- A. The Board of Supervisors, by Resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment. At least fifteen (15) days notice of the time and place of the hearing shall be published in one (1) newspaper of general circulation. The notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents, and shall name the place or places where copies of the proposed amendment may be examined.
- B. At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

## **SECTION 902. ZONING HEARING BOARD.**

For interpretation of this Ordinance, the Supervisors shall appoint a Zoning Hearing Board consisting of three (3) members as provided by law.

- A. The Zoning Hearing Board shall adopt and make available to the public rules in accordance with the Zoning Ordinance for the exercise of its functions. The Board shall:
  1. Hear and decide appeals where it is alleged there is error in any order, requirement or decision of determination made by the Zoning Officer in the enforcement of this Ordinance or of any Ordinance adapted pursuant thereto.
  2. Hear and decide special exceptions to the terms of this Ordinance, in harmony with the general purpose and intent of this Ordinance, with power to impose appropriate conditions and safeguards.
  3. Authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.
  4. Perform such other duties as may be provided or made necessary in the Zoning Ordinance.
- B. Upon the filing with the Zoning Hearing Board of an appeal or of an application for special exception or for variance from the terms of this Ordinance, the Zoning Hearing Board shall fix a time and place for the public hearing, thereof as follows:
  1. By publishing a notice at least once, at least one (1) week and not more than three (3) weeks in advance of such hearing, in a newspaper of general circulation in the Township
  2. By mailing a notice thereof by registered mail to the parties who have stated an interest.
  3. By mailing a notice thereof to the Zoning Officer and to each Township Supervisors and to the Township Secretary.
  4. By mailing a notice thereof to every association of residents of the Township and any other interested party who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.
  5. When the Zoning Hearing Board shall order, by mailing or delivering a notice thereof to the person filing the appeal, application for a special exception or variance, if his residence is known, and to the occupier of every lot on the same street within three hundred (300) feet of the lot or building in question and of every lot not on the same street within one hundred (100) feet of said lot or building; provided that failure to give the notice required by this paragraph shall not invalidate any action taken by the Zoning Hearing Board.
- C. The notice required shall be posted on the lot or building involved and shall state the location of the building or lot and the general nature of the question involved.
- D. Unless otherwise specified by the Zoning Hearing Board, a special exception or variance shall expire if the applicant fails to obtain a zoning permit or comply with the conditions of the special exception or variance within six (6) months from the date of authorization thereof.
- E. Zoning Hearing Board's Decision Upon Appeal: Disposition of Appeals and Exceptions: The Zoning Hearing Board shall decide each appeal within reasonable time, and notice thereof shall forthwith be given to all parties in interest. The Zoning Hearing Board's decision shall be immediately filed in the office of the Township Secretary and a public record shall be kept. In the exercise of its functions upon such appeals or upon exceptions, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or modify the order, requirements, decision, or determination appealed from, or may make such other requirement, decision, or determination as in its opinion ought be made.
- F. Appeal from Board's Decision: Any person aggrieved by any decision of the Zoning Hearing Board or any officer affected thereby may appeal therefrom, to the Court of Common Pleas in the manner provided by law.

## **SECTION 903. ENFORCEMENT.**

A. Zoning Officer. A Zoning Officer shall be appointed by the Supervisors of the Township of Frankstown. The said Zoning Officer is hereby given and charged with the duty, power and authority to enforce the provisions of the "Zoning Ordinance" as amended.

B. Duties.

1. The Zoning Officer shall examine all applications for permits, issue building and zoning permits for construction and uses which are in compliance with the requirements of the Zoning Ordinance and the Pennsylvania Uniform Construction Code, record and file all applications for permits with accompanying plans and documents and make such reports as are required. Zoning permits for construction and uses which are not in compliance with this Zoning Ordinance shall be issued only upon written order of the Zoning Hearing Board.
2. If any proposed new construction is located within a designated flood-prone area, the Zoning Officer shall not issue a building permit unless that Applicant shall also comply with the Township Floodplain Ordinance.
3. Prior to the issuance of any building and zoning permits, the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits by State and Federal laws have first been obtained, such as those required by Pennsylvania Uniform Construction Code; Pennsylvania Act 537, the Pennsylvania Sewage Facilities Act; the Dam Safety and Encroachment Act; the Pennsylvania Stormwater Management Act; the U.S. Clean Water Act, Section 404, 33 U.S.C. 1334; and the Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made.
4. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.

C. Application Procedures.

All applications for a building permit and/or a zoning permit shall be made, in writing, to the Zoning Officer on forms supplied by the Township.

All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

D. Additional Application Information-Flood-Prone Areas.

If any proposed construction or development is located within, or partially within any identified floodplain area, Applicants for building and/or zoning permits shall also provide the specific information listed in the Frankstown Township Floodplain Ordinance.

E. Inspection and Revocation.

1. During the construction period, the Zoning Officer, the Township Uniform Construction Code inspector or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the building and zoning permit applications and with all applicable Township laws and ordinances. The Zoning Officer, the Township Uniform Construction Code inspector or other authorized official shall make as many inspections during and upon completion of the work as are necessary.
2. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
3. In the event the Zoning Officer, the Township Uniform Construction Code inspector or other authorized official discovers that the work does not comply with the zoning and building permit applications or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any Applicant, the Zoning Officer or the Township Uniform Construction Code inspector or other authorized



official shall revoke the zoning permit and/or building permit and report such fact to the Township for whatever action it considers necessary.

4. A record of all such inspections and violations of this Ordinance shall be maintained.

F. Notices.

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 provisions of this Ordinance, or of any regulation, adopted pursuant thereto, the Zoning Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided; however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this Commonwealth; and (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

G. Review of Application by Others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., Township engineer, Pennsylvania Emergency Management Agency, etc.) for review and comment.

H. Changes

After the issuance of a zoning permit and/or building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing and shall be submitted by the Applicant to Zoning Officer for consideration.

I. Placards.

In addition to the building permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the zoning permit, the date of its issuance and be signed by the Zoning Officer or other authorized official.

J. Start of Construction.

Work on the proposed construction and/or development shall begin within six (6) months after the date of issuance of the zoning permit and building permit or the permit(s) shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling and excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street. Time extensions shall be granted only if a written request is submitted by the Applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

K. Temporary Zoning Permits.

A temporary Zoning Permit may be authorized by the Zoning Hearing Board for a non-conforming structure or use which it deems necessary to promote the proper development of the community provided that such non-conforming structure or use shall be completely removed upon expiration of the temporary Zoning Permit. Such temporary permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years. The method of application and issuance provided for Zoning Permits above shall also apply to temporary Zoning Permits.

**SECTION 904. FEES.**

A. Zoning and Building Permits: Zoning and Building Permits shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof; and prior to the use or changing use of a building

structure or land. Zoning and Building Permits shall be required in every case involving the change or extension of a non-conforming use.

- B. Zoning Permit Fee: The fee for a Zoning Permit (or Temporary Zoning Permit) for any building or improvement, the construction or alteration of which shall require a permit under this Ordinance, or any amendments thereto, shall be established by Resolution of the Frankstown Township Board of Supervisors, which may be amended from time to time.
  - 1. The zoning permit fee shall be remitted at the office of the Zoning Officer or such other place as shall be publicly designated by the Zoning Officer and shall be paid upon making application for the Zoning Permit. No Zoning Permit shall be issued until the zoning permit fee shall have been paid. The zoning permit fee shall be refunded to the Applicant if the application for permit is refused.
  - 2. The Zoning Officer shall have the right to examine the construction contract and all other relevant records relative to said improvement for the purpose of ascertaining the true cost or value of the improvement which is the subject of the Permit.
- C. Zoning Hearing Board Certificate: A fee of Five Hundred and 00/100 Dollars (\$500.00), payable in advance, shall be paid for each appeal or application to the Zoning Hearing Board for a special exception or a variance to cover advertising cost and mailing notices.
- D. Building Permit Fee: The Building Permit fees shall be the amounts specified in the fee schedule adopted by Resolution of the Board of Supervisors under the provisions of the Pennsylvania Uniform Construction Code.

### **SECTION 905. VIOLATIONS.**

- A. Notice of Violations: When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent, occupant, contractor or builder, such violation shall be discontinued immediately.
- B. Penalties: Any owner, general agent, manager, contractor, builder, architect, tenant, lessee, or occupant of any part of a building or premises and any other person who knowingly commits, participates in or permits any such violation shall, upon conviction thereof before any Magisterial District Judge in a summary proceeding, be sentenced for each such violation to pay a fine not exceeding Five Hundred (\$500.00) Dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in default thereof to undergo imprisonment in the county jail for a period not exceeding sixty (60) days. Whenever any such person shall have been notified by the Zoning Officer, by prosecution, or in any other manner of such violation; each day thereafter that such violation exists shall constitute a separate violation and may be punishable as such hereunder.
- C. Remedies: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building structure, or land is used in violation of this Ordinance, or of any Ordinance or other regulations made under authority conferred hereby, the Board of Supervisors, or, with the approval of the Board of Supervisors, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

### **SECTION 906. VALIDITY.**

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

### **SECTION 907. NO COMPENSATION.**

Any position or office created by this Ordinance shall receive no compensation except reimbursement for actual expenses incurred.

**SECTION 908. INTERPRETATION, PURPOSE AND CONFLICT.**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or Ordinances, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations of Ordinances, the provisions of this Ordinance shall control.

**SECTION 909. REPEALER.**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 910. EFFECTIVE DATE.**

This Ordinance shall become effective immediately, or as soon as legally permissible.

**ADOPTED** at a public meeting of the Frankstown Township Supervisors held the \_\_\_\_ day of \_\_\_\_\_, 2007, following advertisement, as required by law.

ATTEST:

FRANKSTOWN TOWNSHIP SUPERVISORS

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_