

FRANCONIA TOWNSHIP

ORDINANCE # 430-25

THE BOARD OF SUPERVISORS OF FRANCONIA TOWNSHIP DOES HEREBY ENACT
AND ORDAIN AS FOLLOWS:

SECTION 1. The following definitions contained in Chapter 145 [Zoning], Article II [Definitions], Section 145-5.B. [Definitions and word usage] are hereby added, deleted, or amended and restated in their entirety, as stated below:

ARTICLE II DEFINITIONS

Section 145-5. Definitions and word usage.

B.

- **Amend “MULTIPLE-FAMILY DWELLING” as follows:**

A building not a single-family dwelling nor a two-family dwelling, designed for and occupied exclusively for dwelling purposes by three or more families living independently of one another, not a row house, but customarily called an "apartment".

- **Delete “FLEX SPACE”.**
- **Amend “HOME OCCUPATION” as follows:**

Any lawful occupation customarily conducted in a single-family detached dwelling or structure accessory thereto as an incidental use. The conducting of a clinic, hospital, barbershop, beauty parlor, tearoom, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation.

- **Amend “MUNICIPAL USE” as follows:**

The use of property by Franconia Township, Franconia Sewer Authority, or Joint Sewer Authority for any purpose authorized by the Second Class Township Code, including (without limitation) the rental of Township property to a third party, and any use of property by an entity affiliated with and/or incorporated by the Township when such use is acknowledged by resolution of the Board of Supervisors to serve the public health, safety and welfare of the community.

- **Amend “YARD” as follows:**

An open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky from the front, rear, or side property line to the nearest point of any structure on the lot.

- (1) **REQUIRED FRONT YARD** A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the required front yard setback line for that Zoning District.
- (2) **REQUIRED REAR YARD** A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the required rear yard setback line for that Zoning District.
- (3) **REQUIRED SIDE YARD** A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the required side yard setback line for that Zoning District.

SECTION 2. Chapter 145 [Zoning], Article III [Classifications of Districts], Section 145-6 [Classes of districts] is hereby amended and restated in its entirety as follows:

ARTICLE III CLASSIFICATIONS OF DISTRICTS

Section 145-6. Classes of districts.

- A.** For the purpose of this chapter, the Township is hereby divided into 14 districts, which shall be designated as follows:

| | |
|-------|-------------------------------------|
| R-R | Rural Resource Residential District |
| R-175 | Residential District |
| R-130 | Residential District |
| R-100 | Residential District |

| | |
|------|--|
| R-50 | Residential District Mobile Home Developments |
| VC | Village Commercial District |
| C | Commercial District |
| LI | Limited Industrial District |
| I | Industrial District |
| IN | Institutional District |
| RE | Recreation — Open Space District |

B. There are also the following overlay districts:

| | |
|-----|---------------------------------|
| OSR | Open Space Residential District |
| MRD | Mixed Residential District |
| PFL | Preserved Farmland |
| NOD | Neighborhood Overlay District |
| PO | Professional Overlay District |

SECTION 3. Chapter 145 [Zoning], Article IV [General Provisions], Sections 145-11 [Applicability], Section 145-18 [Accessory uses, buildings and structures.] and 145-19 [Height Limit] are hereby amended and restated in their entirety, or deleted as follows:

- **Amend Section 145-11 as follows:**

145-11 Applicability. For the purpose of this chapter, the following regulations shall govern each district:

- **Delete Section 145-18.B(4) in its entirety.**
- **Amend Section 145-18.F as follows:**

145-18.F. Home Occupation Regulations.

- (1) A home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with residential use. The home occupation shall be carried out wholly indoors.
- (2) In no way shall the appearance of the residential structure be altered or the occupation within the residences be conducted in a manner which would cause the premises to differ from its residential

character using colors, materials, construction, lighting, show windows or advertising visible outside the premises to attract customers or clients.

- (3) Off-street parking spaces are not permitted in the front yards. A ten-foot driveway providing access to parking areas at the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least 10 feet from any property line. Off-street parking lots with three or more spaces shall be buffered from abutting residences. Hedge material as specified in § 27-2802.b.4 shall be placed on three-foot centers. Alternatively, a four-foot fence could be erected which provides a visual screen.
- (4) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
- (5) No-impact home-based businesses are permitted in all residential zoning districts, as a use permitted by right, subject to §§ 107 and 603 of the Pennsylvania Municipalities Planning Code, as amended. All other home occupations as currently defined in this chapter shall comply with this section and the Use Regulations of the individual districts.

- **Amend Section 145-19 as follows:**

145-19 Unless authorized as a special exception, no building or structure shall exceed 40 feet in height, unless otherwise permitted within a specific Zoning District, except that buildings or structures for agricultural uses, and uses accessory to agriculture, may exceed 40 feet but shall not exceed 65 feet in height.

SECTION 4. Chapter 145 [Zoning] Sections 145-30.D., 145-34.D., 145-38.D., 145-42.D., 145-64.H., and 145-192.C. are amended to remove “Municipal Use” from the Use Regulations from all applicable Zoning Districts.

SECTION 5. Chapter 145 [Zoning], Article XIV [LI Limited Industrial District], Sections 145-78.1.I [Additional regulations for by-right-uses.] and Section 145-78.4.I [Additional regulations for conditional uses.] are hereby amended and restated in their entirety as follows:

145-78.1.I. All applications for use of land in the LI Limited Industrial District that meet the definition of land development in accordance with the Municipalities Planning Code,

as amended, shall be subject to the land development review and approval process before the Board of Supervisors. Additional information beyond the requirements of the Land Development and Subdivision Ordinance may be required. Such additional information may include, but shall not be limited to:

- (1) Description of the operations.
- (2) Description of the building and structures.
- (3) Traffic report.
- (4) Hazardous materials analysis.
- (5) Outdoor storage in the rear yard only.

145-78.4.I All applications for use of land in the LI Limited Industrial District that meet the definition of land development in accordance with the Municipalities Planning Code, as amended, shall be subject to the land development review and approval process before the Board of Supervisors. Additional information beyond the requirements of the Land Development and Subdivision Ordinance may be required. Such additional information may include, but shall not be limited to:

- (1) Description of the operations.
- (2) Description of the building and structures.
- (3) Traffic report.
- (4) Hazardous materials analysis.
- (5) Outdoor storage in the rear yard only.

SECTION 6. The Title of Article XV [Industrial District] of Chapter 145 [Zoning] is hereby amended to Article XV [I Industrial District]:

SECTION 7. Chapter 145 [Zoning], Article XVI [IN Institutional District] is amended to amend and restate Section 145-98.K. [Dimensional regulations for special exception uses.] in its entirety and to add Section 145.99.M as follows:

- **145.98.K** Parking. Parking areas including parking spaces, aisles, and driveways serving the spaces, shall be set back from all property lines a minimum of 25 feet, and the area shall be planted with an opaque screen buffer of 80% adjacent to all residential districts. Ingress and egress may be excluded from this setback requirement. The 25-foot buffer shall be shown on the recorded plans and noted to be landscaped and maintained in perpetuity.

- **145.99.M.** A traffic report in accordance with the Subdivision and Land Development Ordinance Article X Traffic Impact Study for all zoning permits, subdivisions, and land developments.

SECTION 8. Chapter 145 [Zoning], Article XIX [Off-Street Parking and Loading] is amended to amend and restate Section 145-122.I in its entirety and to amend Section 145-123 [Schedule of required parking.] as stated:

- **145-122.I** Parking for a nonresidential use or in a nonresidential district may be permitted within the minimum required side and/or rear yard setbacks when the side and/or rear yard abuts a district zoned industrial and/or commercial. However, no parking shall be permitted within 5 feet of a side or rear property line unless common parking facilities are approved at the sole discretion of the Board of Supervisors. Parking setbacks for uses within the Institutional District shall be in accordance with the Dimensional Regulations set forth in Article XVI.
- **145-123.A.** –
 - Delete “**Flex Space**” use and parking space requirement.
 - Delete “**Garden apartments**” use and parking space requirement.
 - Delete “**Residential**” use and parking space requirement.
 - Add “**Multiple-Family Dwelling**” - Parking Space Requirement “**2 spaces per unit**”
 - Add “**Single-Family Detached, Semi-Detached, Quadriplex, or Townhouse**” – Parking Space Requirement “**2 spaces per unit**”
 - Add “**Two-Family Duplex**” – Parking Space Requirement “**2 spaces per unit**”

SECTION 9. Chapter 145 [Zoning], Article XX [Signs] is amended to amend and restate the title and introduction to Section 145-134 [Permitted permanent signs in LI Industrial District.] and Section 145-135 [Permitted temporary signs in LI Industrial District.] as follows:

145-134. Permitted permanent signs in LI Limited Industrial and I Industrial Districts.

The following are permitted permanent signs on premises for the LI Limited Industrial and I Industrial Districts:

145-135. Permitted temporary signs in LI Limited Industrial and I Industrial Districts.

The following are permitted temporary signs on premises for the LI Limited Industrial and I Industrial Districts:

The statement of signs permitted under Sections 145-134 and 145-135 beginning at subsection “A” and to the end of each of these respective sections is unchanged.

SECTION 10. Chapter 145 [Zoning], Article XXVI [Natural Resource Protection Standards], Section 145-175 [Application of natural resource protection standards] and Section 145-176 [Site capacity calculations.] are hereby amended to read as follows:

- **Amend the introductory sentence to Section 145-175.A as follows:**

145-175.A Plan information. To meet the natural resource protection standards of this article, the following information is required to be provided with an application for a subdivision or land development proposing earth disturbance:

The list contained as part of Section 145-175.A beginning at Subsection (1) and to the end of this section is unchanged.

- **Amend the introductory sentence to Section 145-176.A as follows:**

145-176.A The following site capacity calculations shall be provided on the record plan for all subdivision and land development applications proposing earth disturbance. Through these calculations, the developable acreage, maximum number of lots or dwelling units, maximum amount of impervious surfaces and required open space will be determined for the specific site.

The list contained as part of Section 145-176.A beginning at Subsection (1) and to the end of this section is unchanged except the introduction of Section 145-176.A(3) which is amended to state as follows:

- **Amend the introductory sentence to Section 145-176.A(3) as follows:**

145-176.A(3) Calculate the land with resource restrictions and the resource protection land. In the event that two or more resources overlap, only the resource with the highest protection ratio shall be used in the calculations.

The chart contained as part of Section 145-175.A(3) beginning with “Lakes, ponds, or watercourses” and to the end of this section is unchanged.

SECTION 11. Chapter 145 [Zoning], Article XXVIII [VC Village Commercial District] is hereby amended to delete Section 145-193 [Special exception use regulations] and hold it in reserve and to amend and restate Section 145-199 [Development regulations.] in its entirety as follows:

145-193. [RESERVED]

145-199. Development regulations. A. Parking regulations. (1) Setbacks. All parking areas including parking spaces, aisles, and driveways serving the spaces, are to be setback from all property lines and buildings a minimum of five feet; however shared parking may cross the property line and parking adjacent to a residentially zoned property must be setback a minimum of 20 feet. Ingress and egress may be excluded from this setback requirement.

SECTION 12. Chapter 145 [Zoning], Article XXIX [RR Rural Resource Residential District] is amended to amend and restate Section 145-200.B [Legislative intent], Section 145-201 [Applicability.], Section 145-204.A. [Dimensional regulations for conditional uses.] and Section 145-207 [Conditional use standards.] in their entirety and to add new Section 145-204.M [Open Space] as follows:

- **§145-200.B** – “The goal of this district is to provide the opportunity for low-density single-family development while at the same time preserving as open space an amount of land approximately equal to the amount of land being developed. The minimum open space ratio is 40% excluding any lots for existing uses based on the tract area.
- **§ 145-201.** By-right use regulations.

A building may be erected, altered and used, and a lot may be used and occupied, for any of the following purposes and no other:

- A. Agriculture.
- B. Open space.
- C. One single-family detached dwelling.

D. Municipal.

E. Accessory use to any of the above by-right uses, subject to the regulations in § 145-18 Accessory uses, buildings and structures, and §145-19 Height limit.

- **145.204.A** Lot area. A lot area of not less than 35,000 square feet shall be provided for every principal building erected or used, unless the intent for the lot is to meet the minimum lot area requirement of a flag lot per § 145-28.6 of this chapter.
- **ADD NEW 145-204.M** Open space. A minimum of 40% of the gross tract area shall be dedicated as common open space when developed in accordance with the regulations in § 145-206.

- **§145-207. Conditional use standards.**

A. Additional standards for conditional uses. In granting or denying a conditional use or establishing conditions with respect to such grants, the following standards shall be applied for major subdivisions. The burden of establishing compliance with all of the hereinafter enumerated standards shall be upon the applicant.

- (1) The applicant shall establish by credible evidence that the proposed use shall not be contrary to the public health, safety and welfare of the community.
- (2) The applicant shall establish by a traffic study prepared by a traffic engineer that the capacity of the road network providing access to the premises in question, when the incremental increase in traffic attributable to the proposed use is superimposed upon the existing use of the road network, shall not result in a level of service of the roads or any portions thereof below level of service "C". (Highway Capacity Manual, Highway Research Board, 1965, as revised.)
- (3) The applicant shall establish by credible evidence that the interior traffic circulation for the proposed use at the proposed location, including but not limited to acceleration and deceleration lanes where required at the proposed entrances to the location, shall be adequate to provide safe convenient circulation for users of the facility, visitors to the facility,

employees of the facility and all emergency vehicles that may require entrance thereon.

- (4) The applicant shall establish by credible evidence that the facility provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking areas.
- (5) The applicant shall establish by credible evidence the adequacy of sanitary sewer facilities for the proposed uses.
- (6) The applicant shall establish by credible evidence the adequacy of potable water facilities for the proposed uses.
- (7) The applicant shall establish by credible evidence conformance, to the satisfaction of the Board of Supervisors, with the open space criteria and regulations contained herein.

SECTION 13. The following definitions contained in Chapter 122 [Subdivision and Land Development], Article I [Definitions and word usage], Section 122-5 are hereby added, deleted, or amended and restated in their entirety, as stated below:

ARTICLE I GENERAL PROVISIONS

Section 122-5. Definitions and word usage.

B.

- **Delete “PLAN, MINOR SUBDIVISION”.**
- **Amend “SUBDIVISION” and add sub-definitions for “SUBDIVISION, MAJOR” and “SUBDIVISION, MINOR” as follows:**

SUBDIVISION.

As defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended.

SUBDIVISION, MAJOR

The division or redivision of a lot, tract or parcel of land by any means into three or more lots or parcels of land including changes in lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels or more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted, and shall conform to all provisions of the Township Zoning Ordinance and this chapter and rules and regulations promulgated thereunder.

SUBDIVISION, MINOR

The division of a single lot, tract or parcel of land, not a part of a prior subdivision, by any means into not more than two lots or parcels of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; such lots shall front on an existing street, not involve any new street or road or the extension of municipal facilities or the creation of any public improvements; and shall conform to all provisions of the Township Zoning Ordinance and this chapter and rules and regulations promulgated thereunder.

SECTION 14. Chapter 122 [Subdivision and Land Development], Article III [Design Standards], Section 122-36 [Open space areas and community assets] is hereby amended and restated in its entirety as follows:

Section 122-36. Open space areas and community assets.

- A. Upon agreement with the applicant or developer, a subdivision and/or land development plan may provide for the public dedication of land and the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of land, or a combination, for park or recreation purposes as a condition precedent to final plan approval pursuant to the standards set forth in this section for determining the portion of the development to be dedicated and the amount of any fee to be paid in lieu thereof.

B. The Board of Supervisors, in exercising its duties regarding the approval of subdivision and land development plans, shall consider the following criteria in determining whether to approve the proposed location of open space area(s) in a proposed subdivision or land development plan:

- (1) Open space area(s) shall be developed to complement and enhance the man-made environment. In the selection of the location of such areas, consideration shall be given to the preservation of natural features which will enhance the attractiveness and value of the remainder of the property to be subdivided or developed. Such features are floodplains, including streams and ponds; slopes equal to or greater than 15%; mature, permanent vegetation; exceptional views; and other community assets as determined by the Board of Supervisors.
- (2) Said area(s) shall relate to abutting public open space and/or other land uses and laid out to maximize the usefulness of the combined facilities as a single unified open space facility.
- (3) Said area(s) be located and designed so that it does not become a barrier to the handicapped, aged or people with baby strollers.
- (4) Said area(s) shall be at a location conveniently accessible to the residents to be served. For a park being dedicated to the Township, the proposed open space area shall be located in the front of the subdivision, with direct access onto the external street to which the subdivision has access. If the land is to be dedicated to a homeowners' association, it may be located in the interior of the subdivision in a location that is convenient to all of the residents of the subdivision or as otherwise approved by the Board of Supervisors.
- (5) Said area(s) specifically designated for open space use shall be fully usable and suitable for that purpose.
- (6) Said area(s) shall be of such size and shape as to be usable for passive and/or active recreational uses.
- (7) Said area(s) shall comprise a single parcel of land except where the Board of Supervisors determines that the creation of two or more parcels would be in the public interest and determine that, where feasible, a connecting path or strip of land between the parcels is in the public interest.
- (8) Safe and easy access to said open space area(s) shall be provided either by adjoining public road frontage, public easements, paths, bicycle circulation systems and/or sidewalks.

- (9) Accessway(s) to the site shall be sufficiently wide so that maintenance equipment will have reasonably convenient access to said area(s). In all instances, said open space area(s) shall be maintained in a careful and prudent manner.
 - (10) Said area(s) shall not include the rights-of-way of any residential development interior street and fuel, power and other transmission lines, whether underground or overhead. Exceptions may be granted by the Board of Supervisors.
 - (11) Said area(s) shall be, to the greatest extent practical, easily accessible to essential utilities, such as water, sewage and power. If water, sewer and power are not available, the developer/applicant shall provide the necessary utilities to the site.
 - (12) Steep slopes, streams, lakes, watercourses, ponds and floodplains may comprise no more than 40% of the open space land requirement. In all instances, a minimum of 60% of the open space land requirement shall be suitable for dry ground recreational use. Fifty percent of the dry ground recreational use area shall not exceed 2% finished grade. Exceptions may be granted by the Board of Supervisors in cases of exceptional topography, watercourse and tree coverage.
 - (13) The location, form, overall design and use of said open space area(s) shall be approved by the Board of Supervisors of Franconia Township. The Board of Supervisors shall request the review and recommendation of the Township Planning Commission before rendering a final decision on the appropriateness of said open space area(s).
 - (14) Land being offered for dedication shall be provided with off-street parking to serve the proposed facilities.
- C. Subdivision and/or land developments with proposed open space areas shall be reviewed by the Township Park and Recreation Board prior to final review by the Township Planning Commission. The developer shall attend the meeting of the Park and Recreation Board when the subdivision and/or land development is reviewed. The Park and Recreation Board may make recommendations to the Planning Commission prior to the Planning Commission's final review.
- D. The Board of Supervisors shall evaluate any proposed open space area to determine if such area conforms with the Township Open Space Plan and Comprehensive Plan and will be available for use by the public at large. The Board of Supervisors shall have the sole discretion to make such determinations and to accept dedication of such area, in whole or in part, or to refuse dedication. The Board of Supervisors shall retain the option to require and obtain a use easement for any area not accepted for dedication. The Board shall require the formation of a homeowners' association to maintain the open space area not accepted by dedication as a condition of final approval of the subdivision and/or land development. Open space areas required by the OSR Open Space Residential District Regulations of the

Zoning Ordinance (Article XXVII of Chapter 145) shall also comply with the standards and ownership, maintenance and operation requirements of §§ 145-184 and 145-185. Open space areas required by the mixed residential development regulations of the Zoning Ordinance (Article XXVII of Chapter 145) shall comply with the requirements of § 145-62.

(E) Alternatives to dedication of land.

(1) Fee in lieu of dedication.

- (a) Where the Board of Supervisors determines that, because of the size, shape, location, access, topography or other physical features of the land or any other need of the Township, it is impractical to dedicate land to the Township as required by the chapter, the Supervisors may permit dedication of the land to a homeowners' association or choose to accept a fee in lieu of dedication if offered by the applicant based on the fair market value of the land in lieu of which fee is paid as agreed upon by both the Board of Supervisors and the applicant/developer.
- (b) Any fee in lieu of dedication which is collected by the Township shall be used only for the purpose of acquiring open space land and providing open space facilities within Franconia Township.
- (c) A fee authorized under this subsection shall, upon its receipt by the Township, be deposited in an interest-bearing account and designated as the Franconia Township Open Space Fund. Interest earned on the account shall become funds of that account. Funds from the account may only be expended on specific open space facilities approved by the Board of Supervisors.
- (d) Upon request of any person who paid fees under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of the payment, if the Township has failed to utilize the fee paid for the open space purposes within five years from the date such fee was paid unless return of fee has been waived by written agreement between the applicant/developer and the Township.

(2) Improvements to open space facilities.

- (a) With the approval of the Board of Supervisors, the applicant/developer may perform improvements to open space facilities as identified by the Board of Supervisors.
- (b) A plan shall be incorporated within the subdivision and land development plan set of the proposed improvements to the open space facilities all required outside agency permits obtained.

- (c) Improvements to open space facilities shall be constructed in accordance with the Township standards under the direction and inspection of the Township Engineer or his assigned designee.
- (3) Recordation of a Conservation Easement over Natural Resources or Deed-Restriction from further subdivision
 - (a) Upon approval of the Board of Supervisors in its exclusive discretion, applicant or developer may meet the open space requirement of this section by preserving land of equal or greater size to the amount of open space otherwise required by this section by way of recording of a conservation easement or deed-restriction in a form satisfactory to the Township Solicitor preventing the property from future subdivision, improvement, or development.

SECTION 15. Chapter 122 [Subdivision and Land Development], Article X [Stormwater and Watershed Management] is hereby amended to remove Article X [Stormwater and Watershed Management] in its entirety from Chapter 122 [Subdivision and Land Development] for the creation of a new Chapter 117 [Stormwater and Watershed Management]. Former Chapter 122, Article X shall be placed in the new Chapter 117 in its entirety.

SECTION 16. A new Chapter 122 [Subdivision and Land Development] Article X [Traffic Impact Study] is hereby created as follows:

Article X. Traffic Impact Study

122-75 Definitions and word usage.

TRAFFIC IMPACT STUDY OR ASSESSMENT

A traffic impact study (TIS or TIA) conducted under the supervision of a current Professional Engineer licensed by the Pennsylvania Department of State and preferably possessing a Professional Traffic Operations Engineer (PTOE) certificate, which identifies impacts of the proposed access on the transportation system in the surrounding area, and identifies mitigations to offset that impact. The report includes data collection and assessing the overall impact that the development will have on the transportation system and developing realistic improvements that mitigate impacts. The TIS or TIA must be signed and sealed by a PE licensed in Pennsylvania.

122-76 Legislative Intent

The traffic study shall be submitted with the preliminary plans. This study will enable the Township to assess the impact of a proposed development on highways and public transportation. Its purpose is to identify any traffic problems and to delineate solutions.

122-77 Applicability

- A. Residential land development or subdivision of 50 or more dwelling units.
- B. Shopping Center.
- C. Commercial: A commercial building or buildings consisting of 25,000 square feet or more of total floor area.
- D. Office: A development consisting of 25,000 square feet or more of total floor area.
- E. Industrial: A development consisting of 50,000 square feet or more of total floor area or any truck terminal as a principal use.
- F. Institutional Hospital, Nursing Home or Institutional: A development of 50,000 square feet or more total floor area.
- G. Any other use expected to generate greater than 100 new trips inbound to the site or outbound from the site in site peak hour traffic, or 1,000 trips per day.

122-78 Conduct of the Traffic Impact Study.

The traffic impact study shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. The procedures and standards for the traffic impact study are set forth in Subsection A of this section and the Highway Occupancy Permit Operations Manual Appendix A PennDOT Transportation Impact Study Guidelines dated September 2022 or as amended. If there is any discrepancy between the Township's and PennDOT Traffic Study Guidelines, the stricter standard shall apply.

- A. General Requirements and Standards. A transportation impact study shall contain the following information:
 - (1) General Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed development. A brief description of other major existing and proposed land developments for which preliminary plans have been submitted within the proposed study area shall be included. The Township reserves the right to determine the study area at a preapplication conference.
 - (2) Transportation Facilities Description. The description shall contain documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths, and any traffic signals or other intersection control devices at all intersections within the site.
 - (3) Existing Traffic Conditions. Existing traffic conditions shall be documented for all major roadways and intersections in the study area and any other intersections or roadways the Township deems will be affected by the proposed development. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic and peak development-generated hour(s) traffic shall be recorded. Traffic counts

at major intersections in the study area and others which the Township deems will be affected by the proposed development shall be conducted, encompassing the peak highway hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area where those intersections which the Township deems will be impacted by the proposed development. Based upon the Highway Capacity Manual, or as amended, this analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service D, E or F shall be noted as congested locations. A development generated peak hour analysis may be required per the Township Engineer's request.

- (4) Traffic Impact of Development. Estimation of vehicular trips to result from the proposed development shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated, and the I.T.E. Trip Generation Manual, 11th edition or as revised. All turning movements shall be calculated. These generated volumes shall be distributed and assigned to the existing roadways and intersections throughout the study area for which existing conditions were identified in Subsection B.(3) above. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.
- (5) Analysis of Traffic Impact. The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using an annual traffic growth rate available from the Delaware Valley Regional Planning Commission), the development-generated traffic, and the traffic generated by other proposed developments in the study area. Traffic generation data shall be developed by the applicant from trip generation rates or from other traffic impact studies if they are available. A volume/capacity analysis shall be conducted using the future demand. A 'without development' and 'with development' future roadway capacity shall be conducted. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) for all roadways and major intersections in the study area which are deemed to be impacted by the proposed development. Volume/capacity calculations shall be completed for all major intersections. All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the minimum standards as per PennDOT standards for installation of a traffic signal. Turn lane analysis and queuing analysis shall be

provided as requested by the Township Engineer. Associated traffic impact fees shall be set by resolution of the Board of Supervisors.

- (6) Conclusions and Recommended Improvements. Level of services shall be listed for all intersections including all individual movements and the overall intersection. All roadways, individual intersection movements, and/or intersections showing a level of service below C shall be considered deficient. Specific recommendations for the elimination of these problems shall be listed for critical movements and overall level of service drops and delays which increase by more than 10 seconds. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements and widenings, traffic signal installation and operation including signal timing, transit design improvements, and reduced intensities of use. The Township may request all physical roadway improvements to be shown in sketches. The recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement and the completion date for the improvement.
- (7) Implementation. The Township Board of Supervisors shall review the traffic impact study to analyze the impact of the proposed development. If major problems are identified by the traffic impact study, or if any intersection, critical movement, or segment of road would fall below level C as the result of the proposed development, then the Board of Supervisors may:
 - (a) Reject the application for building permits.
 - (b) Require specific onsite or offsite improvements as a condition of plan approval.
 - (c) Reduce the intensity of use permitted.
 - (d) A combination of (b) and (c) above.

SECTION 17. Chapter 145 [Zoning] Attachment 1-Appendix A is hereby relocated within the Franconia Township Ordinance to newly created Chapter 117 [Stormwater and Watershed Management] as Attachment 4-Appendix A Stormwater References.

SECTION 18. Chapter 111 [Sewage Disposal Systems, On-Lot] Sub-Sections 111-5.D, 111-7.A., and 111-8.B. are hereby amended and restated in their entirety as follows:

111-5. Inspections.

- D. An initial inspection shall be conducted by an authorized agent within three years March 21, 2005 for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district.

(1) The initial inspection shall be scheduled to conform with the following periods:

Cycle I (2005): Perkiomen Basin Area

Cycle II (2006): Skippack Creek Basin Area (both Upper and Lower)

Cycle III (2007): Indian Creek Basin

The most effective inspection can be accomplished by performing the inspection at the time the sewage disposal system is pumped. The inspection may be valid if the sewage disposal system has been pumped within the year before the inspection with the following requirements: (1) a receipt indicating the date of pumping must be provided, and (2) the authorized agent must be able to perform all aspects of the inspection. The authorized agent may, at his/her discretion, require pumping for the purpose of properly completing the inspection.

(2) A written report shall be furnished to the owner of each property inspected, and a copy of said report shall be maintained in the Township records. The report may contain recommendations for improved operation and maintenance of the system.

111-7. Maintenance.

A. Each person owning a building served by an on-lot sewage disposal system that contains a septic tank and/or a dosing tank shall have all tanks pumped within six months of the beginning of the established inspection Cycle as identified in Section 111-5.(D) of this chapter by a sewage pumper/hauler licensed by the PADEP and authorized by the Board or its agent. Thereafter, that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the bottom of the scum layer is six inches above the bottom of outlet tee or the top of the sludge layer is within 12 inches of the outlet tee. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed seven days of pumping/hauling operations.

111-8. System rehabilitation.

B. Within seven days of notification by the Township that a malfunction has been identified, the property owner shall either begin the process of connecting to public

sewer if it is available within 150 feet of the residence or, if public sewer is unavailable, or make application to the MCHD Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the Township, construction of the permitted public sewer connection, repair or replacement shall commence. Within 60 days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

SECTION 19. Chapter 112 [Sewers and Sewage Disposal], Article I [Sewer Connections], Section 112-2 [Connection to public sewers required], subsection A. is amended and restated in its entirety as follows:

112-2. Connection to public sewers required.

- A. The owner of any improved property located in this township and accessible to and whose principal building is within 150 feet from the sewage collection system, shall connect such improved property to the sewage collection system, in such manner as this township and the Authority may require, within 60 days after notice to such owner from this township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this township or the Authority from time to time. Transfer of ownership of any improved property within 150 feet of public sewer requires connection to public sewer, regardless of the condition of an existing on-lot disposal system.

SECTION 20. **Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision herein shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not effect or impair the remaining sections, sentences, clauses, parts or provisions of the Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 21. **Disclaimer.**

Nothing in this Ordinance shall be construed to effect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued, or any cause or causes of action existing under the ordinances of the Township of Franconia prior to enactment of this Ordinance.

SECTION 22. **Effective Date.**

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

DULY ENACTED AND ORDAINED this 19th day of May, 2025, by the Board of Supervisors of Franconia Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

FRANCONIA TOWNSHIP
BOARD OF SUPERVISORS



GREY R. GODSHALL, *Chairman*

(Township Seal)

Attest:



JON HAMMER, *Secretary*