

GUIDE FOR PERMITS FOR ZONING ORDINANCE

Foster Township has adopted a Zoning Ordinance June 2000 as amended March 2003, and April 2014

The following are required Zoning Permits

Zoning Permit:

A Zoning Permit is required whenever your project involves placing, constructing, expanding a physical structure on your property (including driveways), or changing the use of your property including timbering. A Zoning Permit is also required for demolition and signs. This permit confirms that the Zoning Ordinance allows the work or change in use that you are proposing.

104. FILING FEES AND COSTS

- A. The Township Supervisors may establish and update by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Zoning Ordinance. No application or appeal shall be considered filed until all fees are paid.
- B. Unless revised by future resolution of the Township Supervisors, the application fee for a conditional use shall be \$500 plus the actual costs of all legal advertisements. For review fees for a solid waste use, see Section 402.

106. GENERAL PROCEDURE FOR PERMITS

- A. After receiving a proper application, the Zoning Officer shall either. 1) issue the permit under this Ordinance, or 2) refuse the Permit indicating a reason. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing. See Section 111 concerning appeals of a decision by the Zoning Officer.
- B. **Thirty Day Challenge Period. It is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30-day appeal period shall be at the risk of the applicant.**

107. PERMITS AND CERTIFICATES

- A. Applicability. Any of the following activities or any other activity regulated by this Zoning Ordinance shall only be carried out after receipt of a Township permit (except as stated below) and any additional required Township approval after the applicant shows compliance with this Zoning Ordinance:
 - 1. Erection, construction, movement, placement or extension of a structure, building or sign;
 - a. Storage sheds of less than 120 square feet of floor areas are not required to have a Township permit.
 - 2. Change of the type of use or expansion of the use of a structure or area of land;

GUIDE FOR PERMITS FOR ZONING ORDINANCE

3. Creation of a lot or alteration of lot lines; and/or
4. Creation of a new use.
 - a. A Township permit is specifically required for any home occupation.

B. Types of Uses.

1. Permitted By-Right Uses. This type of use may be granted zoning approval by the Zoning Officer if all requirements of this Zoning Ordinance are met.
2. Application Requiring a Variance. This type of use shall require a written approval by the Zoning Hearing Board.
3. Conditional Use. This type of use shall require a written zoning approval by the Township Supervisors, after the Planning Commission has been given an opportunity to review the application.
4. Special Exception. This type of use shall require written approval by the Zoning Hearing Board.

C. Applications.

1. Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Zoning Ordinance shall be made in writing on a form provided by the Township.
 - a. **The completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Zoning Officer or other Township employee responsible for processing the application. The date of receipt should be noted on the application.**
2. When a site plan is required, at least two (2) copies shall be submitted. The site plan shall be drawn to scale. A site plan shall be required for: any new building, building addition, parking lot and where the Zoning Officer determines that a site plan is needed to determine compliance with this Zoning Ordinance.
3. Any application to the Zoning Officer or Zoning Hearing Board shall include the following information, unless the Zoning Officer determines that a site plan or such information is unnecessary to determine compliance with this Ordinance:

Required at submission:

- a. **The location and dimensions of the lot,**
- b. **Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land,**
- c. **Name and address of the applicant, or appellant, Tax Parcel ID,**
- d. **Name and address of the owner of the affected property (if different from the applicant), Tax Parcel ID,**
- e. **A description of the proposed use of the property,**
- f. **Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Zoning Ordinance,**

GUIDE FOR PERMITS FOR ZONING ORDINANCE

- g. The locations of any trees or forested areas with a trunk diameter of six (6") inches or greater measured 4.5 feet above the average surrounding ground level that may be impacted in a way by the proposal (with trees identified with a trunk diameter over 18 inches), and**
- h. All other applicable information listed on the official Township application form.**

4. Porches and Accessory Buildings. For the construction of a porch or an accessory building of less than 500 square feet, the applicant shall only be required to submit evidence that the structure: a) will meet the setback requirements of this Zoning Ordinance, and b) will not intrude into the an existing septic system location or an officially designated alternate septic system location.
5. Other Laws. The Zoning Officer may withhold issuance of a permit under this Zoning Ordinance if there is a clear knowledge by the Zoning Officer that a use would violate another Township, State or Federal law or regulation, until such time as the applicant proves compliance.
6. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article II).
7. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and individuals (such as the Planning Agency or Township Engineer) for review and comment.

D. Issuance of Permit

1. Upon Approval Posting. The applicant shall post a copy of the permit at a conspicuous location visible from a street while work is underway.

E. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

1. False statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
2. Any work being accomplished or use of land or structures in such a way that does not comply with this Zoning Ordinance or an approved site plan or approved permit application or a condition imposed as part of a special exception, conditional use or variance approval.
3. For any other just cause set forth in the Zoning Ordinance.
4. For violation of the Subdivision and Land Development Ordinance.

F. Temporary Permit. A temporary permit may be issued by the Zoning Hearing Board as a special exception for temporary commercial special events or temporary structures or uses subject to the following additional provisions:

5. Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.

GUIDE FOR PERMITS FOR ZONING ORDINANCE

6. Fee. Either the Zoning Hearing Board or the Township Supervisors may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
 7. Nonprofit. Only a well-established and Internal Revenue Service recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted.
- G. Changes to Approved Plans.
1. After the issuance of a permit or approval of a site plan under this Zoning Ordinance by the Township, the approved application or site plan shall not be changed without the written consent of the Zoning Officer.
 2. Changes to a site plan approved by the Township Supervisors as a conditional use shall require re-approval of the changes by the Township Supervisors if the Zoning Officer determines that the changes significantly affect matters that were within their approval. The approval by the Township Supervisors is not required for minor technical adjustments or corrections of information that do not affect the significant features of the site plan and the intensity of the use, as determined by the Zoning Officer.

118. LIABILITY

- A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, wetland delineation review, storm water runoff, activity on steep slopes or any other review or permit of this Zoning Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this Zoning Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.