FOSTER TOWNSHIP

EST.1855

Zoning Ordinance

Schuylkill County, Pennsylvania

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TABLE OF CONTENTS

Chapter 1 ADMINISTRATION 1
Section 101 Purposes and Objectives. 1
Section 102 Applicability of this Ordinance. 1
Section 103 Enforcement, Violations and Penalties. 1
Section 104 Filing Fees And Costs. 2
Section 105 Interpretation and Similar Uses. 3
Section 106 General Procedure for Permits. 3
Section 107 Permits and Certificates. 4
Section 108 Amendments to this Zoning Ordinance. 11
Section 109 Curative Amendments. 12
Section 110 Zoning Officer. 12
Section 111 Stop Order. 12
Section 112 Enforcement Notice. 13
Section 113 Causes of Action. 14
Section 114 Zoning Hearing Board Actions, Special Exceptions and Variances. 15
Section 115 Board Hearings and Decisions. 19
Section 116 Appeals. 22
Section 117 Public Utility Exemptions. 22
Section 118 Township Limited Exemption. 22
Section 119 Site Plan Review Procedures for Certain Uses. 23
Section 120 Conditional Use Process. 25
Section 121 Liability. 28
Chapter 2 DEFINITIONS 26
Section 201 General Interpretation. 26
Section 202 Definitions. 26
Chapter 3 DISTRICTS 62
Section 301 Designation of Districts. 62
Section 302 Applicability of District Regulations. 64
Section 303 Zoning Map. 64

Section 304 District Boundaries. 65
Section 305 Setbacks and Buffers Across Municipal Boundaries. 66
Section 306 Permitted Uses by District. 66
Section 307 Table of Lot and Setback Requirements by District. 70
Section 308 Lot Averaging Incentive to Preserve Natural Features. 70
Chapter 4 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES. 81
Section 401 Applicability. 81
Section 402 Accessory Dwelling for a Relative or Full-Time Caregiver or Caretaker. 81
Section 403 Additional Requirements for Accessory Uses. 82
Section 404 Adult Day Care Center. 82
Section 405 Adult Use. 82
Section 406 After Hours Club. 84
Section 407 Airport 84
Section 408 Animal Cemetery. See Cemetery. 86
Section 409 Apartments. See Townhouses and Apartments. 86
Section 410 Automobile Auctions and/or Automobile Parking or Storage Compounds 86
Section 411 Automobile Repair Garage or Auto Service Station. 87
Section 412 Automobile Service Stations 88
Section 413 Bed and Breakfast 89
Section 414 Boarding House (or Rooming House). 91
Section 415 Campground and Recreational Vehicle (RV) Parks 91
Section 416 Camps. 98
Section 417 Car Wash. / Motor Vehicle Washing Facility 103
Section 418 Cemetery. 104
Section 419 Communications Tower or Antennae, Commercial 104
Section 420 Communications Tower or Antennae, Commercial, new. 105
Section 421 Community Center, Library. 107
Section 422 Composting 107
Section 423 Conversion of Existing Buildings 108
Section 424 Day Care Center 110
Section 425 Day Care Center Child 111

Section 426 Dry Cleaners, Laundries and Laundromats 111
Section 427 Farm-Related Business 112
Section 428 Fences and Walls. 114
Section 429 Funeral Home. 116
Section 430 Golf Course. 116
Section 431 Groundwater or Spring Water Withdrawal. 117
Section 432 Group Home. 117
Section 433 Heavy Equipment Sales, Service and/or Repair Facilities 118
Section 434 Heliport. 118
Section 435 Home Gardening, Nurseries and Greenhouses. 119
Section 436 Home Improvement and Building Supply Center 119
Section 437 Home Occupation, General or Light. (see definitions in Chapter 2; see also Farm-Related Business above) 119
Section 438 Hospitals 122
Section 439 Hotel/Motel. 123
Section 440 Industrial/Business Park. 123
Section 441 Junk Yard (includes automobile salvage yard). 131
Section 442 Kennel. 131
Section 443 Livestock, Intensive Raising of 132
Section 444 Medical Marijuana Facilities, Includes Dispensary. 133
Section 445 Membership Club. 133
Section 446 Mineral Extraction. 133
Section 447 Mobile/Manufactured Home on an individual lot or within a mobile/ manufactured home park. 136
Section 448 Mobile/Manufactured Home Park. 137
Section 449 Motor Sports Facility 139
Section 450 Motor Vehicle Racetrack 140
Section 451 Nursing Home, Also “Skilled Care Facility”. 141
Section 452 Off-Road Vehicle Park, also “Motorized Vehicle Trails” 142
Section 453 Outdoor Burning 147
Section 454 Outdoor Motion-Picture Establishment 147

Section 455 Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use. 148
Section 456 Personal Care Home. 148
Section 457 Pets, Keeping of. 148
Section 458 Picnic Grove, Privately-Owned. 149
Section 459 Place of Worship. 149
Section 460 Portable Toilets 149
Section 461 Recreational Vehicle Park. 150
Section 462 Recycling Collection Center. 150
Section 463 Restaurant. 150
Section 464 Retail Sales of Agricultural Products Grown Primarily on the Premises 151
Section 465 Satellite Antennas 151
Section 466 Sawmill 151
Section 467 School, Public or Private, Primary or Secondary 152
Section 468 Self-Storage Development/Mini-Warehouses 153
Section 469 Sewage Sludge, Land Application of 155
Section 470 Signs. See Chapter 7 155
Section 471 Slaughterhouse or Stockyard 155
Section 472 Solar Energy Systems Commercial. 157
Section 473 Solar Energy Systems Residential use. 157
Section 474 Solid Waste Facility. 158
Section 475 Stable, Personal . 163
Section 476 Stable, Non-household. 163
Section 477 Swimming Pool, Household. 164
Section 478 Swimming Pool, Non-Household. 164
Section 479 Tank Farm 165
Section 480 Target Range 168
Section 481 Townhouses and Apartments 168
Section 482 Treatment Center. 171
Section 483 Trucking Company Terminal. 171
Section 484 Veterinarian Office (includes Animal Hospital). 171

Section 485 Warehouse or Wholesale Sales. 172
Section 486 Wind Energy Facilities (Non-Residential Wind Farm). 172
Section 487 Wind Energy Facilities (Single Use). 180
Section 488 Yard Sale/Garage Sale 184
Section 489 Reserved 184
Section 490 Reserved 184
Chapter 5 ENVIRONMENTAL PROTECTION. 185
Section 501 Additional Information. 185
Section 502 Nuisances and Hazards to Public Safety. 185
Section 503 Wetlands Review. 185
Section 504 Setbacks From Creeks. 186
Section 505 Steep Slopes. 186
Section 506 Threats to Water Quality. 188
Section 507 Sewage Disposal. 188
Section 508 Noise. 189
Section 509 Vibration. 190
Section 510 Odors and Dust. 190
Section 511 Glare. 190
Section 512 Erosion Control, Drainage, Filling, Excavation, and Grading. 191
Section 513 Flood-Prone Areas. 192
Chapter 6 OFF STREET PARKING AND LOCATIONS. 201
Section 601 Required Number of Parking Spaces. 201
Section 602 General Regulations for Off-Street Parking. 206
Section 603 Design Standards for Off-Street Parking. 207
Section 604 Off-Street Loading. 213
Section 605 Fire Lanes. 213
Chapter 7 SIGNS. 215
Section 701 Applicability. 215
Section 702 Nonconforming Signs. 215
Section 703 Miscellaneous Signs Not Requiring Permits. 215
Section 704 Freestanding, Wall, and Window Signs. 220

Section 705 Abandoned or Outdated Signs. 223
Section 706 Location of Signs. 223
Section 707 Illumination of Signs. 224
Section 708 Vehicles Functioning as Signs. 224
Section 709 Prohibited Signs. 224
Section 710 Construction of Signs. 225
Section 711 Measurement and Major Types of Signs. 225
Section 712 Off-Premises Signs (Including Billboards). 226
Chapter 8 GENERAL REGULATIONS. 229
Section 801 Frontage Onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings. 229
Section 802 Height Exceptions. 230
Section 803 Special Lot and Yard Requirements, Sight Distance and Buffer Yards. 230
Section 804 Landscaping. 239
Section 805 Temporary Uses. 240
Section 806 Subdivision and Land Development Ordinance Requirements Applying to Non-Residential Buildings. 241
Section 807 Driveway Completion. 241
Chapter 9 NONCONFORMITIES 242
Section 901 Proof and Registration of Nonconformities. 242
Section 902 Continuation of Nonconformities. 242
Section 903 Expansion, Construction Upon or Change In Use Of Nonconformities. 242
Section 904 Damaged or Destroyed Nonconformities. 244
Section 905 Abandonment of a Non-Conformity. 245
Section 906 Changes From One Nonconforming Use to Another Use. 245
Chapter 10 AIRPORT OVERLAY 247
Section 1001 Applicability and Purpose. 247
Section 1002 Airport Approach Definitions. 248
Section 1003 Airport Zones. 250
Section 1004 Airport Zone- Height Limitations. 251
Section 1005 Airport Approach Use Restrictions. 252

Section 1006 Nonconforming Uses. 252
Section 1007 Permits. 253
Chapter 11 WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS 254
Section 1101 Applicability and Purpose. 254
Chapter 12 MEDICAL MARIJUANA FACILITIES 257
Section 1201 Applicability and Purpose. 257

TABLE OF TABLES

Table 1.Sound Level Limits by Receiving Land Use/ District 189
Table 2. Off-Street Parking Requirements (See definition of employee in Chapter 2) 203
Table 3. Required Number of Handicap Parking Stalls 212
Table 4. Miscellaneous Signs Not Requiring Permits. 216

APPENDICES

APPENDIX A – TABLE OF USES BY ZONING DISTRICT

APPENDIX B – REGULATIONS GOVERNING THE SIZE OF LOTS, SETBACKS, AND BUILDINGS FOR PERMITTED USES

APPENDIX B.1 – SETBACK TABLE

APPENDIX C – M-950S DRIVEWAY SIGHT DISTANCE

APPENDIX D – SCHUYLKILL COUNTY AIRPORT SURFACES AREAS MAP

APPENDIX E – ZONING PERMIT FEE SCHEDULE

APPENDIX F – APPLICATION FOR ZONING PERMIT

APPENDIX F.1 – FOSTER TOWNSHIP ZONING APPLICATION – RESIDENTIAL

APPENDIX F.2 – FOSTER TOWNSHIP ZONING APPLICATION – COMMERCIAL AND INDUSTRIAL

APPENDIX F.3 – FOSTER TOWNSHIP HEARING APPLICATION

APPENDIX G – ENACTED AND ORDAINED ORDINANCE NO. 04-2023

APPENDIX H – ZONING MAP

USING THIS ORDINANCE: AN OVERVIEW

The following describes the most efficient way to use this Zoning Ordinance. The following are general descriptions but are not part of the actual Zoning Ordinance.

Start by using the following parts of the Zoning Ordinance:

Turn to the **Table of Contents** to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.

Consult the **Official Zoning Map** at the end of this Zoning Ordinance to determine the zoning district your lot is in.

Turn to Appendix A, the **Table of Permitted** Uses by Zoning District, which indicates the uses permitted in each zoning district. A use is permitted in two ways:

by right, or by condition (the Township Supervisors must approve the use after review by the Planning Agency as described in Section 120).

Turn to Appendix B, the Table of Lot, and Setback Requirements by Zoning District. This table states the required minimum area of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.

Regularly refer to the Definitions in Chapter 2 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306 and Appendix A, that use is called a "Non-Conforming Use". In almost all cases, a lawful Non-Conforming Use can continue to expand within limits, can change to another use within limits or can be sold. See Chapter 9 -"Non-Conformities."

Certain specific uses must comply with additional regulations. The "principal uses"(which are the primary use of a property) and the "accessory uses" (which are secondary uses, such as very small businesses in a home) are listed in alphabetical order in Chapter 4. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures".

Turn to the following parts of the Zoning Ordinance if your lot may be flood-prone:

If your lot is low-lying or near a creek or drainage channel, study the FEMA Floodplain Map in the Foster Township Office. This map shows areas expected to flood in an average 100-year period (called the "100-Year Floodplain"). If a tract is within the 100-year Floodplain, the regulations of Section 513 need to be met. An applicant also should consult a professional to determine whether any Wetlands are present on the tract. If so, Federal and State wetland regulations must be complied with if the wetlands are to be altered or filled in any manner.

Turn to the following sections for regulations concerning parking, signs, and buffer yards:

Many uses must provide minimum numbers of off-street Parking spaces under Section 601 of this Zoning Ordinance. The parking standards are listed in Table 2.

If signs are proposed within public view, Chapter 7 must be met. This Chapter lists the types, heights and sizes of signs that are permitted.

Certain uses are required to provide an open Buffer Yard with Evergreen Screening to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following two major considerations should be kept in mind when using this Ordinance:

An applicant may apply to the Zoning Hearing Board for a Zoning Variance if they are not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Section 104, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the Pennsylvania Municipalities Planning Code, variances are not permitted unless an applicant proves a "Hardship".

If one or more new lots will be created, or existing lot lines will be altered or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the *Foster Township Subdivision and Land Development Ordinance* (SALDO) will also apply.

FOSTER TOWNSHIP ZONING ORDINANCE

TITLE PAGE

1. TITLE. An Ordinance: a) dividing the Township of Foster into districts and regulating the use of land and the location, use and density of buildings within these districts; b) providing for the administration, implementation and enforcement of this Ordinance; c) permitting, prohibiting, regulating and determining the uses of land, water courses and other bodies of water, the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; d) establishing the maximum density and intensity of land uses; and e) establishing provisions for special exceptions and variances to be administered by a Zoning Hearing Board.

2. SHORT TITLE. This Zoning Ordinance shall be known and be cited as the "Foster Township Zoning Ordinance" of 2023.

3. SEVERABILITY. It is hereby declared to be the legislative intent that:

   A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

   B. The Board of Supervisors of Foster Township hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

4. REPEALER. All other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance and are clearly in direct conflict with this Ordinance are hereby repealed, including any reference to the County of Schuylkill Zoning Ordinance. The zoning ordinance adopted June 2000, as revised of May 2014 is hereby replead and replaced.

ENACTMENT.

Date of Planning Commission Public Meeting: July 19, 2023

Date of Township Supervisor Public Hearing: September 6, 2023

Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of the Township of Foster hereby enacts and ordains into an Ordinance the attached document this date of September 6, 2023. This Ordinance shall become effective on September 7, 2023.

ATTEST:

Secretary

(SEAL)

FOSTER TOWNSHIP BOARD OF SUPERVISORS, FOSTER TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA

Chairperson

Chapter 1 ADMINISTRATION

Section 101 Purposes and Objectives.

Section 101.1. This Zoning Ordinance is hereby adopted:

Section 101.1.1. In accordance with the requirements and purposes (including Section 604 and 605 or its successor section (s), which is included by reference) of the Pennsylvania Municipalities Planning Code, as amended.

Section 101.1.2. In accordance with the community development goals and objectives (which are included by reference) of the Foster Township Comprehensive Plan (as may be amended), which constitutes an overall program.

Section 101.1.3. In consideration of the character of Foster Township, its various parts, and the suitability of the various parts for particular uses and structures, and

Section 101.1.4. To assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA. Floodplain Management Act, PA. Storm Water Management Act, PADEP regulations on erosion and sedimentation control and other relevant Federal and State laws, regulations, official policies and relevant Court decisions.

Section 102 Applicability of this Ordinance.

Section 102.1. Any activity regulated by this Zoning Ordinance shall only occur in such a way that conforms with the regulations of this Zoning Ordinance. See Section 107.1.

Section 102.2. This Ordinance regulates matters authorized by Section 603 "Ordinance Provisions" of the PA. Municipalities Planning Code or such successor section.

Section 103 Enforcement, Violations and Penalties.

Section 103.1. If it appears to Foster Township that a violation of this Zoning Ordinance has occurred, Foster Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

Section 103.2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

Section 103.2.1. An enforcement notice shall state the following:

Section 103.2.2. The name of the owner of record and any other person against whom Foster Township intends to take action.

Section 103.2.3. The location of the property in violation.

Section 103.2.4. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the zoning ordinance.

Section 103.2.5. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

Section 103.2.6. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in Section 115.

Section 103.2.7. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

Section 103.3. Causes of Action.

Section 103.3.1. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Zoning Ordinance, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon Foster Township at least 30 days prior to the time the action is begun by serving a copy of the complaint to the Township Supervisors. No such action may be maintained until such notice has been given.

Section 104 Filing Fees And Costs.

Section 104.1. 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.

Section 104.1.1. For schedule of fees see Foster Township Master Fee Schedule, as amended.

Section 104.2. Unless revised by future resolution of the Township Supervisors, the application fee for conditional use shall be in accordance with Appendix E plus the actual costs of all legal advertisements.

Section 105 Interpretation and Similar Uses.

Section 105.1. Minimum Requirements. The provisions of this Zoning Ordinance shall be interpreted as the minimum requirements to promote public health, safety, and general welfare. Where more than one provision of this Zoning Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Zoning Ordinance are in addition to any other applicable Township Ordinance.

Section 105.2. Uses Not Specifically Regulated. If a use clearly is not permitted by right, by condition or by special exception by this Zoning Ordinance within any Zoning District, the use is prohibited, except as may be permitted as a "similar use" under a specific provision of this Zoning Ordinance.

Section 105.3. Interpretation of Zoning Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this Zoning Ordinance and the location of all District boundaries to particular applications. See Section 116 concerning appeals by an applicant. The Zoning Officer may request an advisory opinion from the Township Solicitor.

Section 105.4. Definitions. If a word is not defined, the word shall be considered to have its plain and ordinary meaning within the context of the provision. A standard reference dictionary should be consulted.

Section 106 General Procedure for Permits.

Section 106.1. 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 116 concerning appeals of a decision by the Zoning Officer.

Section 106.2. 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 use within this 30-day appeal period shall be at the risk of the applicant.

Section 107 Permits and Certificates.

Section 107.1. 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 Zoning Permit (except as stated below) and any additional required Township approval after the applicant shows compliance with this Zoning Ordinance:

Section 107.1.1. Erection, construction, movement, placement, enclosing, replacement, relocation, razing, demolition, removal, alteration, extension, expansion (vertical or horizontal) of a of a building or structure, including replacement of one manufactured/mobile home with a different manufactured/mobile home or sign.

Section 107.1.2. The erection or alteration of any signs specified in the Section 703 regulating signs in this Ordinance; Also see (Section 703) that lists signs not required to have a Township permit.

Section 107.1.3. Erection of fence, or a wall (Section 428).

Section 107.1.4. Change of the type of use or expansion of the use of a structure or area of land.

Section 107.1.5. Creation of a lot or alteration of lot lines; and/or

Section 107.1.6. Creation of a new use.

Section 107.1.7. Mineral extraction or development of a gas or oil well as defined by Section 202.

Section 107.1.8. Adding a roof over an area that was not previously under roof (other than a fabric or flexible awning.

Section 107.1.9. Addition or modification to a deck, patio and porch.

Section 107.1.10. Enclosing building space (other than flexible screening around a deck, patio, or porch and other than temporary tents)

Section 107.1.11. A Township permit is specifically required for any establishment of a home occupation.

Section 107.1.12. Industrial/commercial accessory use or structure such as a storage shed or other similar structure with a floor area of 100 square feet or greater .

Section 107.1.13. Helipad as an accessory use to an industrial or commercial principal use

Section 107.1.14. Residential accessory uses and structures as follows:

Section 107.1.14.1. Residential accessory structure such as a storage building, or shed, pole building, garage, carport, pavilion, greenhouse, or other similar structure with a floor area of 120 square feet or greater.

Section 107.1.14.2. signs, as permitted by Chapter 7. (See sign exemptions in Section 703.1.)

Section 107.1.14.3. stable, household-See Section 475.

Section 107.1.14.4. above ground swimming pool or in-ground swimming pool, household

Section 107.1.14.5. wind turbines that are not attached to a building.

Section 107.1.14.6. solar panels that are not attached to a building.

Section 107.1.14.7. such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right or special exception principal use.

Section 107.1.15. Other activities required to have a permit by this Ordinance:

Section 107.1.16. The alteration or development of any improvement or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation, or drilling operations for underground utilities provided the final grade is not altered.

Section 107.1.17. The construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins.

Section 107.1.18. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.

Section 107.2. Zoning Permit Not Required. The following activities shall be exempt from the requirements of this Ordinance and shall not require a zoning permit. “Exempt from this Ordinance” shall mean that the use or activity is allowed everywhere outside of a public street right-of-way, setbacks and other zoning requirements do not apply (except for creation of a new lot), and a zoning permit is not required.

Section 107.2.1. Accessory children’s play equipment or children’s tree house

Section 107.2.2. Governmental use or structure that is exempted by (Section 118).

Section 107.2.3. Routine accessory occasional yard/garage (Section 488).

Section 107.2.4. Keeping of common domesticated household pets

Section 107.2.5. Driveways and walkways , a Driveway permit will be required if connecting to either a State or Township roadway.

Section 107.2.6. Public utility lines, pipes, poles or towers or underground fuel transmission pipes

Section 107.2.7. Replacing one type of building material with another type of building material

Section 107.2.8. Vending machines, ATM machines as accessory to a commercial business or that

Section 107.2.9. Are within a principal non-residential building.

Section 107.2.10. Bus shelters placed at school bus or public transit or shuttle bus stops.

Section 107.2.11. Accessory commercial communications antenna

Section 107.2.12. Standard antenna

Section 107.2.13. Adding antennas to an existing communications tower that does not increase the total height.

Section 107.2.14. Temporary storage and office trailers shall be allowed that are necessary to serve on-site construction, while such construction is actively underway.

Section 107.3. Types of Uses.

Section 107.3.1. 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.

Section 107.3.2. Application Requiring a Variance. This type of use shall require written approval by the Zoning Hearing Board.

Section 107.3.3. 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.

Section 107.3.4. Special Exception. This type of use shall require written approval by the Zoning Hearing Board.

Section 107.4. Applications.

Section 107.4.1. 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.

Section 107.4.1.1. 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.

Section 107.4.2. When a site plan is required, at least two 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.

Section 107.4.3. Except as provided for in Section 107.4.5 below, 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:

Section 107.4.3.1. The location and dimensions of the lot,

Section 107.4.3.2. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of

existing and proposed uses of areas of land, environmental features, or constraints, such as wetlands, steep slopes, floodplains, etc.

Section 107.4.3.3. Name and address of the applicant, or appellant,

Section 107.4.3.4. Name and address of the owner of the affected property (if different from the applicant),

Section 107.4.3.5. A description of the proposed use of the property,

Section 107.4.3.6. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Zoning Ordinance

Section 107.4.3.7. All other applicable information is listed on the official Township application form.

Section 107.4.4. Submittal to the Board. In addition to the information listed in Section 107.4.3 above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Zoning Ordinance:

Section 107.4.4.1. The present zoning district and major applicable lot requirements,

Section 107.4.4.2. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,

Section 107.4.4.3. If a non-residential use is proposed close to dwellings, a description of hours of operation,

Section 107.4.4.4. A listing of any sections of this Zoning Ordinance being appealed, with the reasons for the appeal.

Section 107.4.5. 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 an existing septic system location or an officially designated alternate septic system location.

Section 107.4.6. Other Laws. The Zoning Officer may withhold issuance of a permit under this Zoning Ordinance if there is 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.

Section 107.4.7. 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 Chapter 2).

Section 107.4.8. 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.

Section 107.5. Issuance of Permit.

Section 107.5.1. At least three copies of any permit required under this Zoning Ordinance shall be made. One copy of the permit shall be retained in Township files and one copy shall be retained by the applicant. A copy of the permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.

Section 107.5.2. Posting. The applicant shall post a copy of the permit at a conspicuous location visible from a street while work is underway.

Section 107.5.3. Where applicable, a State Highway Occupancy Permit or a Township Road Occupancy Permit shall be required prior to issuance of a Township Permit.

Section 107.6. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

Section 107.6.1. 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.)

Section 107.6.2. 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.

Section 107.6.3. For any other just cause set forth in this Zoning Ordinance.

Section 107.6.4. For violation of the Subdivision and Land Development Ordinance.

Section 107.7. 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:

Section 107.7.1. 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.

Section 107.7.2. 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.

Section 107.7.3. 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.

Section 107.8. Changes to Approved Plans.

Section 107.8.1. 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.

Section 107.8.2. 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.

Section 108 Amendments to this Zoning Ordinance.

Section 108.1. Within the procedural requirements of the PA. Municipalities Planning Code (see Sections 609 and 610), the Township Supervisors may amend, "cure" or repeal any or all portions of this Ordinance on:

Section 108.1.1. Its own motion; or

Section 108.1.2. Upon agreeing to hear a written request of any person, entity, or the Planning Commission.

Section 108.2. Review of Ordinance Amendments.

Section 108.2.1. For a proposed amendment that was not prepared at the direction of the Planning Agency, the Township Supervisors shall submit each the amendment to the Planning Agency at least 30 days prior to the hearing on the proposed amendment and permit the Planning Agency an opportunity to provide recommendations.

Section 108.2.2. County Review. The Township shall submit the proposed amendment to the Schuylkill County Planning Agency for recommendations at least 30 days prior to the hearing on the proposed amendment. No action shall be taken by the Township Supervisors until County comments are received, unless 30 days pass without comments being received.

Section 108.3. Application for Amendment. A request for amendment of the Zoning Ordinance shall be in writing. A request by a property-owner or developer shall state in writing the reasons for the request.

Section 108.4. Notification of Proposed Zoning Map Amendment. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by Township officials, then at least 10 days prior to the hearing on the proposed change, the applicant shall send or have delivered in person written notice of the proposed change including the hearing date and time and a Township official to contact for more information. The notice shall be provided to all owners of record of all property proposed to be rezoned (other than the applicant) and all property directly abutting the land to be rezoned.

Section 109 Curative Amendments.

Section 109.1.1. See Sections 609 and 916.1 of the Pennsylvania Municipalities Planning Code. For a curative amendment request, the applicant shall at a minimum compensate the Township for all actual expenses for legal advertising, in addition to any other fees stated in the Township fee schedule.

Section 110 Zoning Officer.

Section 110.1. Appointment. The Zoning Officer shall be appointed by the Township Supervisors. The Zoning Officer shall not hold any elective office within the Township but may hold other appointed offices.

Section 110.2. Duties and Powers. The Zoning Officer shall:

Section 110.2.1. Receive and examine all applications required by this Zoning Ordinance, and issue or refuse permits within this Zoning Ordinance.

Section 110.2.2. Receive complaints of violation of this Zoning Ordinance, and enforce the Zoning Ordinance within the provisions established by the PA. Municipalities Planning Code.

Section 110.2.3. Maintain records of applications, permits, variances, written decisions and interpretations issued and of complaints received, of official reports rendered, and of legal notices.

Section 110.2.4. Perform all other duties called for in this Zoning Ordinance; and

Section 110.2.5. Not permit any activity that does not conform to this Zoning Ordinance.

Section 111 Stop Order.

Section 111.1. Scope. A Stop Order may be issued in the following instances:

Section 111.1.1. If activities regulated by this Ordinance are undertaken without the required Zoning Permit, Building Permit, sign permit, or Certificate of Use and Occupancy being granted by the Township.

Section 111.1.2. If an activity undertaken under a Zoning Permit, Building Permit or Sign Permit deviates from the approved application either during or after completion of the work.

Section 111.1.3. If a use is conducted or a building or structure is established in a way which is in violation of the use requirements, area, yard, coverage and height regulations, performance standards, general regulations, or any other requirements of this Ordinance.

Section 111.1.4. If an activity permitted by Special Exception, variance or condition is not conducted in accordance with the terms of the granting of the Special Exception, variance, or conditional use.

Section 111.2. Notice to Owner. A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified mail or posting on the property.

Section 111.3. Contents. The Stop Order shall be in writing and state the nature of the violation and under which conditions the work or use may resume. A reasonable period of time as determined by the Township Zoning Officer may be permitted to allow for the required corrections.

Section 111.4. Unlawful Continuance. Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance and subject to the penalties provided within this Ordinance.

Section 112 Enforcement Notice.

Section 112.1. If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

Section 112.2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

Section 112.3. An enforcement notice shall state at least the following:

Section 112.3.1. The name of the owner of record and any other person against whom the municipality intends to take action.

Section 112.3.2. The location of the property in violation.

Section 112.3.3. The specific violation with a description of the requirements which have not been met citing in each instance the applicable provisions of the ordinance.

Section 112.3.4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

Section 112.3.5. That the recipient of the notice has the right to appeal to the zoning hearing board within thirty (30) days after notice of the determination is issued.

Section 112.3.6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

Section 113 Causes of Action.

Section 113.1. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent , in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

Section 113.2. Jurisdiction. District justices shall have initial jurisdiction over proceedings brought under Section 111.3.

Section 113.3. Enforcement Remedies.

Section 113.3.1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have

been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinances have been violated.

Section 113.3.2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Section 113.3.3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 114 Zoning Hearing Board Actions, Special Exceptions and Variances.

Section 114.1. Appointment. The existing Zoning Hearing Board shall consist of three residents of the Township appointed by the Township Supervisors, unless a differing number of members are authorized by another valid Township ordinance. Alternate members may be appointed within the provisions of the PA. Municipalities Planning Code. Zoning Hearing Board members shall serve terms of three years, so fixed that the term of office of no more than one regular member and one alternate member expires each year. Members of the Zoning Hearing Board shall hold no elected office in the Township.

Section 114.2. Vacancies. The Zoning Hearing Board shall promptly notify the Township Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.

Section 114.3. Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member request it in writing.

Section 114.4. Organization.

Section 114.4.1. Rules. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law. The Zoning Hearing Board shall elect officers for annual or bi-annual terms from its own membership.

Section 114.4.2. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Zoning Hearing Board, except within the hearing officer process established by the PA. Municipalities Planning Code.

Section 114.4.3. Alternate Members. Alternate members may be appointed within the provisions of the PA. Municipalities Planning Code.

Section 114.5. Zoning Hearing Board Functions. The Zoning Hearing Board shall be responsible for the following:

Section 114.5.1. Appeal of a Decision by the Zoning Officer.

Section 114.5.1.1. The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the Township) that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any valid provision of this Zoning Ordinance.

Section 114.5.1.2. See time limitations for appeals in Section 114.6.

Section 114.5.2. Challenge the Validity of the Zoning Ordinance or Zoning Map.

Section 114.5.2.1. The Zoning Hearing Board shall hear challenges to the validity of this Zoning Ordinance filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved.

Section 114.5.2.2. After the conclusion of the hearing(s), the Zoning Hearing Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the PA. Municipalities Planning Code.

Section 114.5.3. Variance.

Section 114.5.3.1. The Zoning Hearing Board shall hear requests for variances filed with the Zoning Hearing Board in writing by any landowner (or any tenant with the permission of the landowner).

Section 114.5.3.2. Standards. The Zoning Hearing Board may grant a variance only within the limitations of State law. (As of

1993), the PA. Municipalities Planning Code provided that all of the following findings must be made, where relevant:

Section 114.5.3.2.1. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;

Section 114.5.3.2.2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property.

Section 114.5.3.2.3. Such unnecessary hardship has not been created by the appellant.

Section 114.5.3.2.4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

Section 114.5.3.2.5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Section 114.5.3.3. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

Section 114.5.3.4. The Zoning Hearing Board may also grant a variance for a physical improvement needed to comply with the Americans with Disabilities Act.

Section 114.5.4. Special Exception.

Section 114.5.4.1. Where special exceptions are to be considered as specified in this Zoning Ordinance, the Board shall grant or deny special exceptions pursuant to express standards and criteria as detailed in Chapter 5 in addition to any other applicable regulations listed in this Zoning Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

Section 114.5.5. Hearings.

Section 114.5.5.1. See Section 115.

Section 114.5.6. Records and Reports. The staff of the Zoning Hearing Board shall keep full public records of its business.

Section 114.5.7. Court Appeals. In the case of an appeal from the Zoning Hearing Board to the Court of Common Pleas, the Appellant shall make the return required by law.

Section 114.6. Time Limitations for Appeals. The time limitations for appeals shall be as follows:

Section 114.6.1. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common Pleas later than 30 days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under Section 914.1 of the PA. Municipalities Planning Code.

Section 114.6.2. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.

Section 114.6.3. This 30-day time limit for appeals shall not apply to the revocation of a permit under Section 107.6.

Section 114.7. Stay of Proceedings. See Section 916 of the PA. Municipalities Planning Code.

Section 114.8. Time Limitations on Permits and Variances.

Section 114.8.1. After a variance is approved or approval is officially authorized under this Zoning Ordinance, then a permit shall be secured by the applicant within 12 months after the date of approval or authorization. Action under the permit shall then begin within 12 months of the issuance of the permit.

Section 114.8.2. Township Approvals. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or conditional use approval that is related to the variance or issuance of a permit under this Zoning Ordinance within the above time limits, then the time limits shall begin after the plan review is completed or the plan approval is granted.

Section 114.8.3. Federal or State Approvals. If an application requires a Federal or State permit or approval, then the time limits of this Section may apply from the date of issuance or approval, provided that: a) the applicant applied for permit or approval prior to or within 60 days after applying for Township approval, and b) the applicant continues to diligently seek approval or permit.

Section 114.8.4. For good cause, the Zoning Officer may, upon application in writing stating the reasons, therefore, extend in writing the time periods in this Section.

Section 114.8.5. If an applicant fails to obtain the necessary permits within the above time period or fails to diligently commence substantial construction within the above time period or allows interruptions in substantial construction of longer than six months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all approvals, variances and permits shall become null and void.

Section 115 Board Hearings and Decisions.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following:

Section 115.1. Notice of Hearings. Notice of all hearings of the Zoning Hearing Board shall be given as follows:

Section 115.1.1. Ad. Public notice shall be published, as defined by Section 107 of the PA. Municipalities Planning Code. The notice shall state

the time and place of the hearing and the particular nature of the matter to be considered.

Section 115.1.2. Posting. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that the notice is posted and remains posted until the hearing.

Section 115.1.3. Persons Given Notice. Written notice shall be given to the Applicant and the Zoning Officer. Notice should be given to the Planning Agency, Township Supervisors, and owners of records of property abutting and directly across the street from the lot lines of the subject property. Also, notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for notice. Any notices should be mailed or delivered by a Township representative to the last address known to the Township. The notice should be intended to be received at least five days prior to the hearing date.

Section 115.1.4. Adjacent Municipalities. In any matter which relates to a property which lies within 250 feet of the boundary of another municipality, and which the Township staff determines may have a significant impact on that municipality, the Township staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on the matter at least seven days prior to the hearing date. Representatives of the adjacent municipality shall have the right to appear and be heard at the public hearing.

Section 115.1.5. Fees. The Township Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by a) the Applicant for any notice required by this Zoning Ordinance; and b) those persons requesting any notice not required by this Zoning Ordinance.

Section 115.2. Parties in Hearings. The parties to a hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic, or community organizations permitted to appear by the Zoning Hearing Board.

Section 115.3. Oaths and Subpoenas. The chair of the Zoning Hearing Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

Section 115.4. Representation by Counsel. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

Section 115.5. Evidence and Record. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Zoning Hearing Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.

Section 115.6. Communications Outside of Hearings.

Section 115.6.1. The Zoning Hearing Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.

Section 115.6.2. The Zoning Hearing Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to examine and contest the material so noticed. This restriction shall not apply to advice from the Zoning Hearing Board's solicitor.

Section 115.7. Advisory Reviews. The Zoning Hearing Board may request that the Planning Agency, County Conservation District, Township Staff, Township Engineer or other professional provide an advisory review on any matter before the Zoning Hearing Board.

Section 115.8. Initiation of Hearings. A hearing required under this Zoning Ordinance shall be initiated within 60 days of the date of an applicant's submittal of a complete application unless the applicant has agreed in writing to an extension of time.

Section 115.9. Decision/Findings.

Section 115.9.1. The Zoning Hearing Board shall render a written decision or make written findings (when no decision is called for) on each application within 45 days after the last hearing on that application before the Zoning Hearing Board unless the applicant has agreed in writing to an extension of time.

Section 115.9.2. Where the application is contested or denied, the decision should include findings of fact and conclusions based thereon, together with the reasons for such conclusions. Any conclusion based on

any provision of the PA. Municipalities Planning Code or of this Zoning Ordinance should contain a reference to the provision relied on.

Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the time limit established by Section 908 of the PA. Municipalities Planning Code.

Section 116 Appeals.

Section 116.1. In General. All appeals of this Zoning Ordinance or any action of the Township Supervisors, the Zoning Officer or the Board under this Zoning Ordinance shall conform with Article X-A of the PA. Municipalities Planning Code. See Section 115 "Hearings."

Section 116.2. Procedural Defects in Enactment. Allegations that this Zoning Ordinance or any amendment was enacted in a procedural defective manner shall be appealed directly to the court and be filed not later than 30 days from the intended effective date of the Zoning Ordinance or amendment.

Section 117 Public Utility Exemptions.

Section 117.1. This Zoning Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Agency shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Agency to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by the other parties and otherwise exercise the rights of a party to the proceedings.

Section 118 Township Limited Exemption.

Section 118.1. The minimum lot area and minimum lot width requirements of this Zoning Ordinance shall not apply to uses or structures owned by Foster Township for uses and structures that are intended for a legitimate governmental or public health, safety, public utility, or recycling purpose.

Section 119 Site Plan Review Procedures for Certain Uses.

Section 119.1. When Site Plan Required. A site plan review by the Planning Agency and Township Supervisors is required for any of the following uses unless the physical layout of the buildings and improvements has been submitted as part of a subdivision or a land development.

Section 119.1.1. Any expansion of more than 1,000 square feet in floor area of a principal non-residential building.

Section 119.1.2. Any new principal non-residential building.

Section 119.1.3. Any new or expanded paved area of greater than 2,500 square feet.

Section 119.2. Site Plan Procedures. The following procedures shall be followed for any use required to be reviewed under this Section:

Section 119.2.1. Submission. A minimum of three complete copies of any required site plan shall be submitted to the Township. Such site plan shall meet the information requirements listed in Section 119.3. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this Zoning Ordinance. A minimum of one copy shall be retained in Township files. The Zoning Officer may request a review by the Township Engineer if engineering matters are involved.

Section 119.2.2. If earth disturbance is involved, a soil and erosion control plan shall be completed and submitted to the Township and the County Conservation District, if greater than 1 acre of disturbance.

Section 119.2.3. Time. The Planning Agency and Township Supervisors shall be given an opportunity to review the site plan and provide any advisory comments in writing to the Zoning Officer within the time limit stated in Section 119.2.4. below.

Section 119.2.4. The Zoning Officer shall review the site plan and determine its compliance with this Zoning Ordinance, based upon his review and any comments of the Township Supervisors and Planning Agency. The Zoning Officer shall make such determination within 90 days after the first scheduled Planning Agency regular meeting after the receipt of a complete site plan submission unless the applicant grants a written time extension.

Section 119.2.5. A Site Plan under this Section may be reviewed at any legally advertised, regular or workshop meeting of the Township Supervisors and Planning Agency.

Section 119.3. Submittal Requirements. The following site plan submittal requirements shall not apply to a general home occupation. A required Site Plan shall include the following information, unless for information waived by the Zoning Officer as not applicable or necessary:

Section 119.3.1. A statement describing the proposed use.

Section 119.3.2. Layout. A site layout drawn to scale (1"=50') showing the location, dimensions, and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the interrelationships of those phases shall be shown.

Section 119.3.3. Landscaping. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations, and types of required landscaping to be provided.

Section 119.3.4. Parking. The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon Section 601.

Section 119.3.5. Lighting and Signs. The height, location, and general type of exterior lighting. The sign area, height, location, and general method of lighting of signs.

Section 119.3.6. Utilities. Note stating general proposed method of providing wastewater treatment and water supply (such as "Public Water and Public Sewage Services").

Section 119.3.7. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, odors, dust, fire or toxic or explosive hazards or other hazards to the public health

and safety; together with proposed methods to control such hazards and nuisances.

Section 119.3.8. Grading and Stormwater. Proposed and existing contours if earth disturbance is proposed. Identification of any slopes between 15 percent and 25 percent and greater than 25 percent proposed to be impacted. Proposed method of managing stormwater runoff. See steep slope provisions in Section 505. Delineation of any floodplains from the Official Federal Floodplain Maps.

Section 119.3.9. A location map showing the relation of the project to surrounding streets. Approximate lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.

Section 119.3.10. Zoning district and major applicable requirements.

Section 119.3.11. Name and address of the person who prepared the Site Plan, the applicant, and the owner of record of the land.

Section 119.3.12. Such other data or information as the Zoning Officer deems is reasonably necessary to determine compliance with Township ordinances.

Section 119.3.13. This information is not required on a zoning site plan if such information will be submitted on a subdivision or land development plan for the use.

Section 120 Conditional Use Process.

Section 120.1. Applicability. This section applies to uses listed as "Conditional Uses" in the applicable district.

Section 120.2. Procedure.

Section 120.2.1. A conditional use submission shall not be considered officially accepted for review until any needed zoning variances that are directly relevant to the site layout and nature of the use is granted. The applicant may request an informal review by the Planning Agency of a site plan prior to requesting variances or a special exception.

Section 120.2.2. Submission. A minimum of three complete copies of any required site plan shall be submitted to the Township. The Zoning Officer shall refuse to accept an incomplete application that does not provide sufficient information to determine compliance with this Zoning Ordinance. See Section 104 concerning fees.

Section 120.2.3. Erosion Control. If earth disturbance is involved, the applicant shall submit a soil and erosion control plan to the Township and the County Conservation District, unless such review will occur under the Subdivision and Land Development Ordinance.

Section 120.2.4. Township Distribution. The Township shall distribute copies of the site plan to the Planning Agency and the Township Supervisors. A minimum of one copy shall be retained in the Township files. The Township Fire Services should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.

Section 120.2.5. Zoning Officer Review. The Zoning Officer shall report in writing or in person to the Planning Agency or Township Supervisors stating whether the proposal complies with this Zoning Ordinance. The Zoning Officer may request a review by the Township Engineer.

Section 120.2.6. Planning Agency. The Planning Agency shall be given an opportunity to review the conditional use application and submit a recommendation to the Township Supervisors.

Section 120.2.7. The Township Supervisors shall not act to approve or deny a conditional use application unless: a) the Township Supervisors have received the reports of the Zoning Officer and the Planning Agency; or b) unless a period of 60 days has passed from the date of the application.

Section 120.2.8. The Township Supervisors shall approve, conditionally approve, or disapprove the conditional use submission. In granting a conditional use, the Township Supervisors may require such reasonable conditions and safeguards (in addition to those expressed in this Zoning Ordinance) as it determines are necessary to implement the purposes of this Zoning Ordinance.

Section 120.2.9. The decision of the Township Supervisors shall be in writing and shall be directly communicated to, delivered to, or mailed to the last known address of the applicant or their representative.

Section 120.2.10. Subdivision and Land Development Ordinance. If an applicant requests, the conditional use application shall consist of the same submittal as a land development or subdivision application.

Section 120.3. Approval of a Conditional Use. The standards of this Section 120.3. shall not apply to a General Home Occupation. The Township Supervisors shall

approve any proposed conditional use if they find adequate evidence that the proposed use will:

Section 120.3.1. Meet any specific standards for the proposed use listed in Sections Chapter 4.

Section 120.3.2. Meet other applicable sections of this Zoning Ordinance.

Section 120.3.3. Be in general conformance with the requirements of the Subdivision and Land Development Ordinance, as applicable. Actual approval under the Subdivision and Land Development Ordinance will occur separately from the conditional use approval.

Section 120.3.3.1. Meet all of the following standards:

Section 120.3.3.2. Other Laws. Will not clearly be in conflict with other Township Ordinances or State or Federal laws or regulations known to the Township.

Section 120.3.3.3. Traffic. Will not result in or significantly add to a traffic hazard or significant traffic congestion.

Section 120.3.3.4. Safety. The applicant shall show that the use will not create a significant public safety hazard, including fire, toxic or explosive hazards.

Section 120.3.3.5. Storm Water Management. Will follow adequate, professionally accepted engineering methods to manage storm water. Stormwater shall not be a criterion of a decision under the Zoning Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management under the Subdivision and Land Development Ordinance.

Section 120.3.3.6. Neighborhood. Will not significantly negatively affect the desirable character of an existing or approved residential neighborhood, such as causing heavy truck traffic through a residential neighborhood, or a significant odor or noise nuisance or very late night or early morning hours of operation.

Section 120.3.3.7. Site Planning. Will involve adequate site design methods, including plant screening and setbacks as needed to avoid significant negative impacts on adjacent uses.

Section 120.3.3.8. Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this Zoning Ordinance, as stated in Chapter 5.

Section 121 Liability.

Section 121.1.1. 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.

Section 121.1.2. 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.

Chapter 2 DEFINITIONS

Section 201 General Interpretation.

For the purposes of this Zoning Ordinance, words and terms used herein shall be interpreted as follows:

Section 201.1. Words in the present tense shall include the future tense.

Section 201.2. The singular shall include the plural, and the plural shall include the singular.

Section 201.3. The masculine gender shall include the feminine and the neuter and vice-versa.

Section 201.4. The word "shall" is always mandatory, the word "should" mean a suggested or the preferred action and the word "may" is always permissive.

Section 201.5. If a word is defined in both this Zoning Ordinance and another Township Ordinance, each definition shall apply to the provisions of each applicable Ordinance.

Section 201.6. The words "such as", "includes", "including", and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provisions.

Section 201.7. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".

Section 201.8. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.

Section 201.9. "Sale" shall also include rental".

Section 201.10. References to "codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies, or officials" are references to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies, or officials of Foster Township or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

Section 201.11. Any word or term not defined in this Zoning Ordinance shall be used with a meaning of standard usage.

Section 201.12. For those words utilized in this Ordinance not defined herein the definitions found in the most recent edition of Webster's Unabridged Dictionary apply.

Section 202 Definitions.

When used in this Zoning Ordinance, the following words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

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

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

Access Drive or Accessway. A privately owned, constructed, and maintained vehicular access roadway accessing two (2) or more dwelling units or two (2) or more commercial, institutional, or industrial principal uses. See definition of "driveway".

Access Point. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Accessory Building, A building (such as a private garage, private tool shed, children's playhouse or noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the use of the principal building. An accessory building is not a dwelling unit. A portion of a principal building used for accessory use shall not be considered an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Acre. A measure of land area containing 43,560 square feet. 43,560 square feet.

Adaptive Reuse. The process of adapting existing structures for new purposes, including preserving buildings of historical significance while retaining the architectural details and features that make them unique.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway. See definition of "abut."

Adjoining Lot or Land. A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See Abut)

Admission. A monetary exchange or charge of any character whatsoever, including donations, contributions, dues, and membership fees (periodical or otherwise) charged, paid, or in any other manner received by a landowner or producer and obtained from the general public, or a limited or selected number thereof, directly, or indirectly, for the privilege of attending or engaging in any form of amusement, entertainment, or recreation. Provided, however, that any form of amusement, entertainment, or recreation, the proceeds of which after payment of reasonable expenses, inure exclusively to the benefit of religious, educational, or charitable, institutions, societies, or organizations, veterans' organizations or police or firemen's organizations, or which is conducted

by or on behalf of a government body, shall not be considered a commercial form of amusement, entertainment, or recreation within the meaning of this Ordinance.

Adult Bookstore. A use with a significant portion of the market value of or total number of items for sale or rent being books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties, or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Day Care Center. A use providing supervised care and assistance primarily to persons who are over age 60, mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors, or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to three or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

Adult Use. This shall include only the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility.

After Hours Club. A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. to 4 a.m., in addition to any other hours. This use generally is prohibited under State Act 219 of 1990.

Agriculture. Shall mean “crop farming,” “plant nursery” and “raising of livestock.” See definition of each.

Aircraft. Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

Airport - For Example: Schuylkill Regional Airport – Joe Zerbey Field. Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "Airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

Airport Elevation. The highest point of an airport's usable landing area measured in feet above sea level.

Airport Hazard Area. Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Airport Hazard. Any structure or object, natural or manufactured, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 14 CFR Part 77 and 74 Pa. Cons.Stat. §5102.

Alley. A right-of-way providing secondary access to the side or rear on one or more lots.

Alteration. Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location to another.

Alterations, Land: As applied to land, a change in topography as a result of moving soil and rock from one location or position to another; changing of the surface conditions by causing the surface to be more or less impervious; land disturbance.

Alterations, Structural: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amendment: An official change to this ordinance in accordance with Section 505 of the PA MPC.

Amusement And Entertainment. The state of being amused or entertained; for purposes of this Ordinance, Amusement and Entertainment is primarily a spectator activity (the enjoyment of a performance or exhibit of some kind) and is more passive and not as overly interactive as Recreation (as defined in this Ordinance) is. Amusement and entertainment conducted within the Township, includes, but is not limited to theatrical performances, operatic performances, folk festivals, musical concerts or festivals, carnivals, circuses, campgrounds, spectator sports events, vaudeville shows, side shows, amusement parks, exhibitions, craft, or antique shows. Any manner or form of Amusement and Entertainment, for which admission is charged, paid, or required (see Admission) shall be considered either Commercial or Private forms of Amusement and Entertainment. For purposes of this Ordinance, Amusement and Entertainment is considered Indoor or Outdoor as well as an Accessory and Primary. This use shall not include the terms Tavern, or Restaurant, although food and beverages may be served if the serving of said items is clearly incidental to the primary Amusement and entertainment use. This use shall not include the terms Adult Business or Adult Establishment, or activities meeting said definition.

Amusement Park. A recreational use involving permanent structures or buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows or entertainment.

Antenna, Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, which is used for receiving and/or transmitting short-wave or citizens band radio frequencies or for receiving television, radio, or similar frequencies, but not including a satellite dish antenna or a commercial communications antenna. This includes any accessory supporting structures.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave, or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Apartment. See "dwelling types."

Applicant. The person(s), company, partnership, profit, or non-profit corporation or trust responsible for a particular application for an approval or permit under this Zoning Ordinance, and his heirs, successors, and assigns.

Approach Surface (Zone). An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Appendix D, is derived from the approach surface.

Area, Buffer: A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence.

Area, Building: The total area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, Gross: The total lot area, including public right-of-way.

Area, Net: The total lot area, less public right-of-way.

Assisted Living Facility/Personal Care Home. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. This term shall only include facilities licensed as Assisted Living Facilities or Personal Care Centers by the Commonwealth of Pennsylvania.

Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L.382, No. 164), as amended, known as the, “Municipalities Authorities Act of 1945”.

Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding, or rebuilding of

transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage."

Auto Service Station. A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections. This use may include a convenience store selling ready-to-eat food for consumption off the lot, common household products and similar items.

Auto, Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale, or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/ manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/ manufactured home park or a junkyard.

Awning: A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and can be periodically retracted onto the face of a building.

Azimuth: The horizontal angle of an observer’s bearing in surveying, measured clockwise from a referenced direction.

Babysitting. The regular care of not more than three (3) children not related to the person giving care which takes place at the home of the person giving care.

Basement. An enclosed floor area partly or wholly underground, other than a building that is completely underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of six feet or greater and b) the top of the foundation of the building is an average of four or more feet above the finished grade of the front side of the building that faces onto a street.

Bed and Breakfast Use. The use of a single-family detached dwelling that includes the rental of overnight sleeping accommodations and bathroom access. This shall not include a use that provides any cooking facilities for use by guests or that provides meals for people other than overnight guests unless the requirements for a restaurant are also met. This term shall only include a use serving transient visitors to the area.

Betting Use. A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

Billboard. See "Sign, Off-Premises."

Board of Supervisors. Board of Supervisors of the Township of Foster, Schuylkill County, Pennsylvania.

Board. The Zoning Hearing Board of Foster Township.

Boarding House or Rooming House. A residential use in which: a) two or more individual rooms that do not meet the definition of a dwelling unit are rented for habitation, or b) a dwelling unit that includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five (5) consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage, or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement.

Building Coverage. The percentage obtained by dividing a) the maximum horizontal area square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

Building Height. The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface.

Building Inspector: An individual designated by the appointing authority to enforce the provisions of the building code. Includes code enforcement officer or zoning officer.

Building Length. The horizontal measurement between the two most distant portions, other than portions measured diagonally, of anyone building or of attached buildings.

Building Line or Building Setback Line. See "Setback Line."

Building Line: A line parallel to the front, side or rear lot line set so as to provide the required yard.

Building Permit: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

Building Setback Line: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

Building Width. The horizontal measurement between two structural walls of one building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

Building, Principal. A building which is conducted the primary use of the lot on which it is located, and which is not an accessory building.

Building. Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment, materials, or property and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including “or part thereof.” See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to the principal building shall be considered to be part of that principal building.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse,

but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Business Service. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise, or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Park.

Camper: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite. Also see RV.

Campground. A development under single ownership of the land with sites being rented, leased, or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Car Wash. See Motor Vehicle Washing Facility).

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides, and accessory to a main or accessory building.

Cartway. A portion of a street or highway right-of-way, paved or unpaved, designed for vehicular use.

Cemetery. Land or buildings used for the burial of deceased humans, but not animals. The internment or scattering of remains of properly cremated humans is not regulated by this Zoning Ordinance.

Certificate of Use. A form signed by an authorized official that certifies that the use of the property is in compliance with this Zoning Ordinance, to the best knowledge of such official.

Charter School A tax-supported school (K-12 or subset thereof) established by a charter between the state and an outside group which operates the school so as to achieve set goals.

Commercial Communications Tower/Antennae. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals s through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antennas. See standards in Chapter 4. This term shall not include a "standard antenna. "This shall not include a reception antenna not intended for commercial use.

Commercial District. The V-C and C-1 Districts. The I-1 district is considered a primarily industrial district, although it does allow commercial uses.

Commercial Outdoor Recreation. A use that a) has a total building coverage of less than 15 percent, b) is used principally for active or passive recreation (such as a driving range), and c) is used for a profit-making purpose.

Commercial Use. Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."

Comprehensive Plan. The document entitled "Foster Township Comprehensive Plan," or any part thereof, adopted by the Township Supervisors.

Conditional Use. A use which is allowed or denied by the Township Supervisors within the provisions of Chapter 1, after review by the Planning Agency.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with the owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under either the Pennsylvania Unit Property Act of 1963 or was created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

Conical Surface. An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

Conservation District. The Schuylkill County Conservation District.

Conservation District. A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with PADEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

Commission: The Foster Township Planning Commission.

Construction. Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; and the demolition of pre-existing building, provided that further construction be diligently carried on.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods, and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 7,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

County Planning Commission. The Schuylkill County Planning and Zoning Commission.

County. The County of Schuylkill, Commonwealth of Pennsylvania.

Crop Farming. The cultivating, raising, and harvesting of products of the soil and the storage of these products produced on the premises. Crop farming" shall also include orchards and Christmas

tree farms and raising of limited numbers of livestock as a clearly accessory use, but shall not include intense raising of livestock, commercial forestry, riding academies or kennels.

Curative Amendment. A proposed zoning amendment made to the Township Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest, or a proposed zoning amendment made by the Township in accordance with the Pennsylvania Municipalities Planning Code (MPC).

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent, or related to substance abuse. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school." or "Head Start" programs. The following three types of day care are permitted without regulation by this Zoning Ordinance: 1) care of children by their own relatives or 2) care of one to three children within any dwelling unit, in addition to children who are relatives of the care giver. See also the definition of "adult day care center."

A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.

B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Chapter 4.

C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable Pennsylvania agency.*

D. Child Day Care Center as a Principal Use. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable Pennsylvania agency.* See Chapter 4.

   * As of 2009, this was the Department of Public Welfare

E. Babysitting" as defined in this Ordinance, is not considered to be a Child Day-Care Facility.

D.E.P. (or "DEP" or “PADEP”). Shall mean the Pennsylvania Department of Environmental Protection, or its successor, and its relevant subparts.

D.O.H. (or "DOH" or “PADOH”). Shall mean the Pennsylvania Department of Health, or its successor, and its relevant subparts.

Datum. A reference point from which elevations are measured. The standard datum is sea level as established by the U.S. Geological Survey (USGS).

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

Detached Building. A building that is surrounded on all sides by open yards and that is not attached to any other building.

Distribution. The processing of materials so as to sort out which finished goods are to be transported to various locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging.

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Zoning Ordinance.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Driveway. A privately owned, constructed, and maintained vehicular access from a street or access drive to only dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Zoning Ordinance categorizes dwellings into the following types:

A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Chapter 4 and where permitted by Chapter 3 and meeting the floor area requirements of Chapter 8.

B. Apartments. Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). The individual dwelling units may be leased or sold for condominium ownership.

C. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.

D. Single-Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open areas on all sides.

1. Mobile/Manufactured Home. A type of single-family detached dwelling that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of

again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, e) is constructed so that it may be used with or without a permanent foundation, f) is not a "Recreation Vehicle," and g) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning.

E. Single Family Semi-Detached Dwelling Half of a Twin Dwelling, One dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire-resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex. Each unit may or may not be on a separate lot.

F. Townhouse. One dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as "row houses" or "single family attached dwellings."

G. Two-Family Detached Dwelling. Two dwelling units accommodating one family each with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have two side yards.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities, and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Engineer. A registered Professional Engineer licensed as such in the Commonwealth of Pennsylvania.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary, and appropriate to the character of the area in which they are to be located. See Section 306.6. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

FAA. Federal Aviation Administration of the United States Department of Transportation.

Family. One or more people living in a single dwelling unit and functioning as a common household unit. A family shall not include more than four persons who are not "related" to each other (see definition in Chapter 2), except a higher number may be specifically permitted within the provisions for group homes in Chapter 4. A "treatment center" shall not be considered a "family" or a "group home."

Fence. A fabricated barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl, or aluminum and/or plastic inserts. Fabricated barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not regulate engineering retaining walls, which are permitted uses as needed in all Districts.

Financial Institution. An establishment primarily involved with banking, lending and other monetary, not material, transactions and that has routine interactions with the public.

Flea Market. An open-air market for secondhand articles and antiques.

Floodplain (100-Year). See definitions in Chapter 5 of this Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. For the purposes of regulating floor area of dwelling units, floor area specifically shall not include the following: a) elevator shafts, b) common stairwells, c) unheated areas or d) unenclosed porches, decks, or breezeways.

Forestry. The management of forests or woodlands when practiced in accordance with accepted silvicultural practices, through developing, cultivating, harvesting, transporting and utilization of trees for commercial purposes, which does not involve any land development, and which maintains the health and sustainability of lands to remain forested. Forestry shall include Timber Harvesting, Diameter-limit and selective cutting, and the clearing of trees as part of any agricultural plowing or tilling as defined herein, shall not be considered forestry.

Funeral Home. A building used for the preparation of the deceased for burial, including the viewing of the deceased and any lawful rituals connected therewith before burial or cremation.

Game Preserve. An area of land set aside for the protection and propagation of animals not traditionally domesticated. Game Preserve does not include any type commercial hunting operations whereby fees are charged for persons to enter lands for the purpose of hunting game animals.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Chapter 4

Garage, Private or Household. An enclosed building for the storage of one or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation.

Gas or Oil Well. A well drilled into the ground to produce natural gas or petroleum products. See Sections See Chapter 4.

Glare. A sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Government Facility. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose.

Grade. The elevation of finished ground or paving.

Greenhouse. An enclosed structure. whose roof and sides are made largely of transparent or translucent material, used for the growing, raising and/or distribution of plants and vegetables. Residential greenhouses must confirm to criteria set forth in this ordinance regarding accessory structures and cannot exceed 2,000 square feet. All greenhouses exceeding 2,000 square feet will be considered an agricultural use.

Group Home. The use of any lawful dwelling unit that meets all of the following criteria:

1. Involves the care of the maximum number of persons permitted by the "group home" standards of See Chapter 4 and meets all other standards of that Section.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, intellectual disabilities, or other "handicap"* as defined by applicable Federal law.
4. Does not meet the definition of a "treatment center."
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

* NOTE: As of 1992, the Federal Fair Housing Act defined "handicap" as follows: "l) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21."

Hazardous Substances or Waste. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 40 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the structural roof. See exemptions for certain types of structures in Section 802. For height of signs, see Chapter 7 entitled "Signs."

Helipad. An area used for the take-off and landing of helicopters. The word helipad is short for helicopter landing pad and provides a clearly marked hard surface away from obstacles where a helicopter can land. Usually, a helipad does not have fuel and service facilities for aircraft, as a heliport does. Helipads are commonly placed on the roof of hospitals and some businesses maintain a helipad on the roof of their office building.

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Zoning Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

Highway Access Point. A place of egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the termination of one such point to the beginning of another such point.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

A. Is conducted primarily by a permanent resident of the dwelling.

B. Only involves persons working on the premises who are permanent residents of the dwelling plus a maximum number of non-residents permitted by Chapter 4;

C. Only includes uses that are clearly incidental and secondary to the principal residential use.

D. Specifically, does not include a use prohibited as a home occupation in Chapter 4.

Home Occupation, Light. A "home occupation" that meets all of the following types of standards:

A. Only persons who live within the dwelling shall work within a light home occupation,

A light home occupation is limited to the following types of activities:

a) Office-type or clerical work (such as writing, editing, drafting, tax preparation, computer programming, computer data inputting, typing, addressing, and sending mail),

b) Custom sewing and fabric crafts,

c) Creation of visual arts (such as painting, ceramics, sculpture, or wood carving), or

d) Tutoring (such as musical instruction, art instruction or school-related tutoring).

Home Occupation, General. A "home occupation" that does not meet the standards for a "light home occupation," but which meets all other standards for a home occupation. For example, if a home occupation involves people working on-site who do not live on-site, then approval is needed as a general home occupation. (A general home occupation typically requires conditional use approval.)

Home Office. A room in the dwelling unit that may contain a desk, computer, possibly with modem, fax machine, copy machine, telephone, answering machine where appointments are made, supplies are ordered, etc.

Horizontal Surface. An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Hospital. A use involving the diagnosis, treatment or other medical or care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic." A hospital may involve care and rehabilitation for medical, dental, or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A "hospital" may include a hospice for care of the terminally ill.

Hotel, Motel, or Inn. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a “boarding house” and shall meet the requirements of that use. See also “bed and breakfast” use. A hotel, motel or inn may include a restaurant, nightclub, newsstand, or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Hydric Soil. A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are identified within the Soil Survey of Schuylkill County.

Impervious Coverage. The total area of all "Impervious surfaces" on a lot (including building coverage) divided by the total lot area.

A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.

B. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality, and an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, the land shall be properly maintained by the abutting use.

Home Occupation, General. A "home occupation" that does not meet the standards for a "light home occupation," but which meets all other standards for a home occupation. For example, if a home occupation involves people working on-site who do not live on-site, then approval is needed as a general home occupation. (A general home occupation typically requires conditional use approval.)

Home Office. A room in the dwelling unit that may contain a desk, computer, possibly with modem, fax machine, copy machine, telephone, answering machine where appointments are made, supplies are ordered, etc.

Horizontal Surface. An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Hospital. A use involving the diagnosis, treatment or other medical or care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic." A hospital may involve care and rehabilitation for medical, dental, or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A "hospital" may include a hospice for care of the terminally ill.

Hotel, Motel, or Inn. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a “boarding house” and shall meet the requirements of that use. See also “bed and breakfast” use. A hotel, motel or inn may include a restaurant, nightclub, newsstand, or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Hydric Soil. A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are identified within the Soil Survey of Schuylkill County.

Industrial District. The I-1, I-2, and I-3 zoning district.

Impervious Coverage. The total area of all "Impervious surfaces" on a lot (including building coverage) divided by the total lot area.

Improvement Setback Line. A line parallel to and measured at right angles from a street line. No improvements are permitted between the street line and the improvement Setback line.

Improvement Setback. The minimum distance an improvement must be set back from a street right-of-way line.

Improvement. Any type of structure or paved section, excluding improvements necessary for entrance or exit driveways, curb, sidewalk, planting strip or barrier to unchanneled motor vehicle entrance or exit.

Incidental Sign. A small sign, emblem, or decal less than eight (8) square feet per side in area, informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign, directional (entrance, exit) or a sign indicating hours of business.

Industrial District. The I-1, I-2, and I-3 zoning district.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

A. cannot be towed, in regard to a trailer designed to be towed,

B. has been demolished beyond repair,

C. has been separated from its axles, engine, body, or chassis, and/or

D. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials other than materials permitted under Section 306.5. Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves or tree limbs, or d) items clearly awaiting imminent recycling at an approved recycling use.

Junkyard.

A. Land or a structure used for the collection, storage, dismantling, processing, and sale, other than within a completely enclosed building, of material of one or more of the following types:

   1. Automobile salvage yard

   2. A commercial or industrial metal scrap yard.

   3. A greater number of junk vehicles than is permitted under Section 604 that are partly or fully visible from an exterior lot line, dwelling or public street. This shall not apply to vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station while they await imminent repairs or after recent damage.

B. Junk vehicles stored within a completely enclosed building for business purposes shall be considered a warehouse.

C. One or more mobile or manufactured homes that are not in a habitable condition.

Kennel. Keeping of a total of more than ten dogs or cats over three months in age on a lot. A non-profit animal shelter is a type of kennel.

Land Development. Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

1. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

2. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. The following shall not be considered a land development:

1. The conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three residential units unless such units are intended to be a condominium.

2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Larger than Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

Livestock, Raising of. The raising and keeping of livestock, poultry, or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the “Keeping of Pets” section of Chapter 4 and beyond what is allowed within the definition of “crop farming.” This use shall not include a slaughterhouse, nor a stockyard used for the housing of animals awaiting slaughter.

A. Intensive Raising of Livestock. “Raising of livestock” involves the keeping of more than 100 animals that are routinely confined within a building, pens or cages or any dry lot feed farming operation or any keeping of garbage-fed livestock. See standards in Chapter 4.

Lot. A separate parcel of land that is recorded or that will be recorded after Township final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

Lot, Corner. A lot abutting on two or more intersecting streets.

Lot, Flag, an irregularly shaped lot characterized by an elongated extension providing access from a street to the principal part of the lot.

Lot, Merged. A lot which has resulted from the merger of two or more abutting non-conforming parcels of land that were held under single ownership. See Section 806 that restricts such parcels from being sold separately.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

A. Areas within the existing legal rights-of-way of 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve three or more lots;

B. Areas that exist as or will be required to be dedicated as common open space on a separate lot; and

C. Fifty percent of areas within rights-of-way or easements intended for overhead electrical lines of 35 kilovolts or higher capacity shall only be excluded for residential lots.

Front Lot Line (Street Line). A lot line separating the lot from the future street right-of-way.

Lot Depth. The average horizontal distance between the front and the rear lot fines, measured through the approximate center of the lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the lot width shall be measured using a straight line from end to end. The lot width shall be measured facing a street.

Manufacturer. The making, with substantial use of machinery, of some product for sale, and associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution, and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal or petroleum or kerosene refining or distillation.

Massage Parlor. An establishment that meets all of the following criteria:

A. Manipulative exercises are performed using the hands and/or a mechanical or bathing device on a person's skin other than the face or neck by another person that is related to certain monetary compensation.

B. The person conducting the massage is not: licensed as a health care professional or a licensed massage therapist by the State or related to the person receiving the massage by blood, adoption, marriage, or official guardianship.

C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.

D. The massages are conducted within private or semi-private rooms.

E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

Lot Depth. The average horizontal distance between the front and the rear lot fines, measured through the approximate center of the lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

Front Lot Line (Street Line). A lot line separating the lot from the future street right-of-way.

Rear Lot Line. A lot line opposite and most distant from the front lot line. (A three-sided lot has no rear lot line).

Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the lot width shall be measured using a straight line from end to end. The lot width shall be measured facing a street.

Manufacturer. The making, with substantial use of machinery, of some product for sale, and associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution, and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal or petroleum or kerosene refining or distillation.

Massage Parlor. An establishment that meets all of the following criteria:

Medical Office. A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood, or other human materials for medical or dental purposes.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political, or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public, and which is not primarily operated as a for-profit business. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, retail sales or an auditorium unless that particular use is permitted in that District and the requirements of that use are met. See also "After Hours Club." This use shall not include a motor vehicle racetrack.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore, but shall not include a) removal of material from the ground to solely to provide routine fill, or b) routine movement of and replacement of topsoil during construction.

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

Mobile/Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of three or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be individually owned. The development of mobile/ manufactured homes with each dwelling on its own subdivided and approved individual lot of record shall be regulated in the same manner as a subdivision of site-built homes and shall not be considered to be a "mobile home park."

Mobile/Manufactured Home. See under "Dwelling Types."

Motel. See "Hotel."

Motor Vehicle Racetrack. A use involving competitive driving of motor vehicles involving speeds routinely exceeding 30 miles per hour, other than driving upon a public street.

Motor Vehicle Washing Facility. A tract of land containing machines or hand operated facilities primarily used for the cleaning, washing, polishing, or waxing of motor vehicles.

Municipal Solid Waste. A combination of unprocessed residential and commercial solid waste materials generated in a municipality.

Municipal Use. Land or use owned. conducted and maintained by the Township or a Township Authority duly incorporated by the Township, for the good and well-being of the Township, Real property dedicated to either the Township or Authority may be used for any municipal use, including such uses as water systems, sewer systems, municipal buildings, streets, parking areas, sites for schools, library, park, playground, swimming pools, tennis courts, sewage treatment plant, refuse stations, storage buildings, and all municipal owned utilities and appurtenances used in connection with supplying such services, etc.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Municipality. Foster Township, Schuylkill County, Pennsylvania.

Nature Preserve. A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

Night Club. A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing, and which has a capacity of more than 250 persons for such entertainment or dancing.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated but was lawfully in existence prior to the effective date of this Zoning Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other undeveloped land owned by the same owner.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this Zoning Ordinance, as amended, where such structure lawfully existed prior to the enactment of Zoning Ordinance or applicable amendment. Nonconforming structures include but are not limited to signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendments heretofore or hereafter enacted, where the use was lawfully in existence prior to the enactment of this Zoning Ordinance or applicable amendment.

Nonprecision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment,

for which a straight-in non-precision instrument approach procedure has been approved or planned.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of three or more persons.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Chapter 10, Airport Overlay Zone, of this Ordinance.

Office. A use that involves administrative, clerical, financial, governmental, or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and television or radio broadcasting studios.

Official Zoning Map. The map as adopted by the Township Supervisors that designates the location and boundaries of zoning districts.

Off-Road Vehicle Park. An area of land used by four-wheel drive vehicles, pickup trucks, all-terrain vehicles, motorcycles, and off-road vehicles for recreational driving that is not along an improved road.

Open Space, Common. A parcel or parcels of land within a tract that meets all of the following standards:

A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.

B. If not intended to be publicly owned, is covered by a system for perpetual maintenance.

C. Will be deeded to the Township or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation; and

D. Does not use any of the following areas to meet minimum open space requirements: 1) existing or future street rights-of-way, 2) accessways, 3) buildings (other than accessory buildings and pools clearly intended for noncommercial recreation), 4) off-street parking (other than that clearly intended for noncommercial recreation), 5) any area needed to meet a requirement for an individual lot, 6) any area deeded over to an individual property owner for their own use, or 7) land with rights-of-way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

Ordinance. The Township Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

Rear Lot Line. A lot line opposite and most distant from the front lot line. (A three-sided lot has no rear lot line).

Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

PA. The Commonwealth of Pennsylvania.

PADCNR. The Pennsylvania Department of Conservation and Natural Resources (including, but not limited to, its Bureau of Forestry).

PADEP. The Pennsylvania Department of Environmental Protection

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

Paved Area. All areas covered by gravel or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.

PENNDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permit. A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

A. Building Permit: A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Township staff, in accordance with the provisions of the Building Code which has been adopted by the Township.

B. Demolition Permit: A permit issued to demolish, remove, destroy and/or eliminate a building or structure in accordance with the provisions of the Building Code which has been adopted by the Township.

C. Driveway Permit: A permit issued for the construction, reconstruction, or modification (i.e. paving, repaving, resurfacing, grading, regrading) of driveways, alleyways, private or public road access as defined in the Foster Township Driveway ordinance as amended.

D. Erosion And Sediment Control Permit, also (Chapter 102). All earth disturbance activities equal to or greater than 5,000 square feet are required to have a written Erosion & Sediment Control Plan. If earth disturbance is equal to or greater than 1 acre, a permit must be obtained from either the Conservation District or the DEP.

E. Floodplain Permit. A Floodplain Permit is required before any construction or development is undertaken within any identified floodplain areas of the Township of Foster.

F. NPDES Permit – "National Pollution Discharge Elimination System." The federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.

G. Occupancy Permit: A permit issued for a building, structure or land use, which indicates that certain construction, alteration, reconstruction, development, or similar activities have been completed and inspected in accordance with the appropriate provisions established by Foster Township, and allows the applicant to occupy the building, structure or land area in accordance with the provisions of the permit.

H. Seasonal or Temporary Permit.: A permit issued for a specific building, structure or land use, which indicates that the seasonal or temporary activities are in accordance with the appropriate provisions established by Foster Township, and authorizes an applicant to commence with the seasonal or temporary activities for a defined period of time, not to exceed 60 cumulative days within a calendar year and as specified on the permit.

I. Sign Permit: A permit issued for a specific on-premises or off-premises sign.

J. Special Permit: A permit issued to non-profit organizations for specific use and event on land owned or leased by the applicant for a defined period of time, not to exceed 30 cumulative days within a calendar year and as specified on the permit.

Such permitted uses may include carnivals, circuses, bazaars, fairs, seasonal sales, or other nonprofit fundraisers.

K. Stormwater Permit: A permit issued by the municipal governing body after the Storm Water Management Site Plan has been approved. Said permit is issued prior to or with the final municipal approval. A permit may be required to be issued prior in accordance with the *Foster Township Storm Water Management and Earth Disturbance Ordinance*, as amended.

L. Timber Permit: A permit issued prior to the removal of standing timber in accordance with the *Foster Township Timber Ordinance*, as amended.

M. Zoning Permit: A permit issued indicating that a proposed use, building, or structure is, to the best knowledge of the Township Staff, in accordance with this Zoning Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Zoning Ordinance, a zoning permit or "a permit under this Zoning Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

Permitted By Right Uses. Uses that do not have to be approved as uses by the Zoning Hearing Board or the Township Supervisors. (A site plan review by the Planning Agency and the Township Supervisors is required for certain permitted by right uses to ensure that the use would comply with all Township ordinances). A "nonconforming use" shall not be considered to be a "permitted use".

Personal Care Home or Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped or developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

Pets, Keeping of. The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits, and other animals commonly sold in retail pet shops.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

Pipeline Compressor Station. A mechanical facility that ensures that adequate pressure is provided for natural gas or closely similar substances in order to efficiently transmit such substances through a pipeline.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries, and shrines used primarily for religious or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include one dwelling unit as an accessory use for housing employees of the place of worship and their family. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling".

Planning Agency. The Planning Commission, Planning Committee or Planning Department as adopted by the Supervisors of Foster Township.

Plant Nursery. The indoor or outdoor raising of trees, plants, shrubs, or flowers for sale, but not primarily including commercial forestry or lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precisions Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface. An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways, or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, derived from the primary surface.

Principal Building. The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

Principal Use. A dominant use or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Private Airport. An airport which is privately owned, and which is not open or intended to be open to the public as defined in 74 Pa. Cons. Stat. Section 5102.

Public Airport. An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. Cons. Stat. Section 5102.

Public Notice. Notice required by the Pennsylvania Municipalities Planning Code. (See definition in Section 107 of such law.)

Publicly Owned Recreation. Land or structures that are owned by a government agency or the Township and are available for use by the general public for leisure and recreation.

Recreation, Commercial. Leisure-time uses that are primarily operated for commercial purposes.

Recreation, Private. Non-commercial leisure-time uses that are only open to members and their occasional invited guests or persons within a specific group reserved in advance.

Recreational Vehicle Park. See Campground.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, an emergency services station or a college or university.

Related or Relative. Persons who are closely related by blood, marriage, adoption, or formal foster relationship to result in one of the following relationships: brother, sister, parent, child,

grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. For the purposes of child day care regulations, "relative" may also include a first cousin. This term shall not include relationships such as second cousins or cousins further removed.

Renewable Energy Facility. A facility used for the collection, development, processing, production, conversion, refinement, transfer and/or storage of a renewable energy source. Specific renewable energy facilities such as solar energy, wind turbines and ethanol manufacturing or bulk storage are regulated separately. Renewable energy sources include solar, wind, biomass conversion, methane, geothermal energy, hydroelectric energy, and similar energy sources, but shall not include nuclear fusion or fission.

Repair Service. Shops for the repair of appliances, watches, guns, bicycles, and other household items.

Residential Accessory Building, Structure or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children's Playhouse and Children's Play Equipment. For skateboard ramps, see Residential Accessory Structure Standards in Chapter 4.

Residential District. The R-1, R-2, V-C Zoning Districts described in Chapter 3.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing dwelling on a lot of less than ten acres or b) is undeveloped and zoned as a Residential District.

Restaurant.

A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.

B. A fast-food restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.

C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

A. Right-of-Way, Existing or Legal. The line separating a lot from the established official street right-of-way that either the Township or the Commonwealth will own after the completion of any proposed subdivision, land development or development of a use under this Zoning Ordinance.

B. Right-of-Way, Future or Ultimate. Land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public

improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Sanitary Landfill (or Solid Waste Landfill). A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, and covering the waste with soil and which has a permit to operate as a sanitary landfill from the State.

Satellite Dish Antenna or "Satellite Antenna". A ground-based reflector, usually parabolic in shape, receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of five and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to buffer an intense use from another use or street. See requirements in Section 803.4.

Self-Storage Development. Also see, mini warehouse. A building or group of buildings divided into individual separate access units that are rented or leased for the storage of personal and small business property.

Septage. Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with PADEP regulations.

Setback Line.

A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.

B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 803.2.3.

C. Unless otherwise stated, setback distances are for both accessory and principal structures.

D. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

Sewage Disposal System. A system to collect, treat and dispose of sewage.

A. Central Sewer Service. Service at the time of occupancy of a use by a sewage treatment system that serves a minimum of 20 dwelling units or five principal non-residential uses.

1. Public Sewer Service. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.

B. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "central sewer service."

Sewage Sludge. Land Application of. The spreading on land of the treated conditioned accumulated settled solids and similar stabilized residue from septic and holding tank pumping and sewage treatment systems.

Shopping Center. A use involving five or more retail or personal service uses or establishments and that primarily involves retail sales. A shopping center may also include a mix of permitted personal service, office and commercial recreation uses.

Sight Distance\Sight Triangle. An area required to be kept free of visual obstruction. See Section 803.3.

Sign Area. See Section 711.

Sign, Off-Premises. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This includes signs commonly called "billboards."

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices, or representations. See definitions of types of signs in Section 703 and Section 711. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Silviculture. The art, science, and practice of establishing, tending, and reproducing forest stands.

Site Plan Review. Review of a site plan by the Planning Agency and/or the Township Supervisors that is required for certain uses under Chapter 1.

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

Solar: For additional Solar Definition, please see the *Foster Township Solar Ordinance*, as amended. See specific Ordinance for additional requirements.

Solar, Accessory Solar Energy System (ASES): An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof-mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. An ASES that has a power rating more than 15kW shall comply with the requirements of Section 106 – Principal Solar Energy System.

Solar, Principle Solar Energy System (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof-mounted solar collector devices,

solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

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

A. Solar Array: A grouping of multiple solar modules with purpose of harvesting solar energy.
B. Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.
C. Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.
D. Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solicitor. Unless otherwise stated, shall mean the appointed Solicitor to Foster Township Supervisors.

Solid Waste.

A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, or commercial activities.

B. For the purposes of this Zoning Ordinance, the following materials shall not be considered to be solid waste: 1) portions of trees or shrubs, leaves, mulch and rocks, 2) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, 3) customary residual wastes from a permitted mineral extraction use or 4) materials of a character such as paper, plastic, aluminum and metal that have clearly been separated from the waste stream for recycling.

Solid Waste Facility.

A. Land or structures where solid waste is processed, incinerated, or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid waste-to-energy facility.

B. The following uses for the purposes of this Zoning Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application.

Solid Waste Transfer Facility. A type of "Solid Waste Disposal Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.

Solid Waste-to-Energy Facility. A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential, or industrial materials) as a

fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs.

Special Exception. A use requiring zoning approval by the Zoning Hearing Board within the standards and procedures of Chapter 1.

Specified Sexual Activities. One or more of the following:

A. Human male genitals in a visible state of sexual stimulation.

B. Acts of human masturbation, sexual intercourse, oral sex, or sodomy.

C. Fondling or other erotic touching of human genitals.

State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as may be further amended.

State. The Commonwealth of Pennsylvania and its agencies.

Steep Slope(s). Those areas of land where the grade is between fifteen (15) percent and twenty-five (25) percent. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of these regulations, slope shall be measured over three (3) or more two (2) foot contour intervals (six [6] cumulative vertical feet of slope). All slope measurements shall be based on contour intervals determined by detailed topographical survey using aerial photogrammetry or actual field survey.

Storage Shed. An enclosed accessory building maintained primarily for the convenience of the occupants of the principal building on the lot and which is not used for the housing of a motor vehicle with four or more wheels.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance six feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than six feet shall be considered a "half-story."

Street Center Line. The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

Street. A public or private thoroughfare which provides the principal means of vehicle access to abutting lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Classification. The functional classification of streets into the following types, as shown on the Official Street Classification Map for existing streets and as determined by the Township Engineer for future streets:

A. Arterial Street. Designed for high volumes and moderate speed traffic, with an emphasis on carrying through-traffic and providing access to abutting non-residential uses.

B. Collector Street. Designed to carry a moderate volume of traffic to carry traffic from local streets to arterial streets.

C. Local Street. Designed primarily to provide access to the abutting properties and to carry this traffic to collector streets.

Structure. Any fabricated object, whether or not affixed to the land, subject to the following specific standards:

A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches, or decks that are covered by a permanent structure, swimming pools (whether above or below ground), storage sheds, carports, and garages.

B. Any structure shall be subject to the principal or accessory setbacks of this Zoning Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Zoning Ordinance.

Subdivision Ordinance or Subdivision and Land Development Ordinance (SALDO). The *Foster Township Subdivision and Land Development Ordinance*, as amended.

Subdivision. 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 divisions 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: Provided, however, That the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. Existing leases shall also be exempt when existing lot lines will not be changed. Work regarding subdivisions are subject to the requirements of the *Foster Township Subdivision and Land Development Ordinance*, as amended. The division of a parcel of land into separate parcels. See definition in Subdivision and Land Development Ordinance.

Swimming Pool, Household. A manufactured area with walls of fabricated materials intended to enclose water at least 30 inches deep for recreational bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A manufactured area with walls of fabricated materials intended to enclose water at least 30 inches deep for recreational bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: 1) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or 2) a "public" pool intended to serve the general public. See also provisions at the end of Section 306 that permit "Recreational Facilities" limited to use by employees of a use or residents of a development as an accessory use.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade, and which does not meet the definition of a "nightclub" or an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater, Outdoor Drive-In. An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Timber Harvesting. (also tree harvesting/logging): The cutting down and removal of trees and logs to be converted to any forest product or for sale to others. For additional Timber Harvesting

Definition, please see the *Foster Township Timber Ordinance*, as amended. See specific Ordinance for additional requirements and requirements for a Timber Permit.

Tire Storage, Bulk. The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

Townhouse. See "Dwelling Types."

Township Supervisors. The Township Supervisors of Foster Township.

Tract. In certain zoning districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets, or waterways) within the Township that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

A. Shall only include lands within a submitted preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract: and

B. Shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Chapter 2), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

Trade School. A use that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school, or ceramics school.

Transitional Surfaces. An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing for persons who need specialized housing, treatment, or counseling for stays of less than one year and who need the housing because of:

A. Criminal rehabilitation, such as a criminal half-way house or a treatment center for persons convicted of driving under the influence of alcohol;

B. Addiction to alcohol or a controlled substance; or

C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. (For housing of persons with other types of mental illness, see "Group Home.")

Tree. Any object of natural growth.

Trucking Company Terminal. A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks. This shall not include a use that involves significant processing, such as a feed and grain mill. A use that primarily involves either loading

materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

Unlicensed Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker or does not have a valid safety inspection sticker. The requirement for a safety inspection sticker shall not apply to vehicles (such as licensed antique cars and trailers of less than 3,000 pounds gross vehicle weight rating) for which Pennsylvania regulations do not require such a sticker. The term shall not include a motor vehicle displaying an inspection sticker that expired less than 30 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied, or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or after land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code.

Veterinarian Office. A building routinely used for the treatment of animals and related accessory housing or boarding of sick animals. Housing of primarily healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Waterbody. A natural or constructed pond, lake, wetland, impoundment, or watercourse. This shall not include any pond or facility designed and constructed solely to contain stormwater, or a swimming pool.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, such as a stream, river, brook, or creek, whether natural or artificial, with perennial, intermittent, or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry stormwater.

Water System. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

A. Central Water Service. Service by a central water system that is owned and operated by a) a municipality, b) a municipal or county authority or c) a water company regulated by the State Public Utility Agency, and which transmits water from a common source to more than 30 dwellings or principal uses.

1. "Public" Water Service. Central water service by a system owned by a municipality or a municipal or county authority.

B. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a "central water service." In most cases, this would involve an individual well serving an individual lot but may also include a common well or another duly approved system.

Waters of the Commonwealth. Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Wetlands. An area of land or water meeting one or more definitions of a "wetland" under Federal or Pennsylvania law or regulations.

(NOTE.- As of 1996, the following was the official U.S. Army Corps of Engineers' definition of wetlands: “Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas”. Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1996, the U.S. Army Corps of Engineers and PADEP enforce the wetlands regulations.)

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

Wind Turbine Height, Total. The vertical distance measured from the surrounding ground surface elevation to the highest extended edge of a wind turbine blade.

Wind Turbine Hub Height. The vertical distance measured from the surrounding ground surface elevation to the highest point of the hub, to which blades are attached.

Wind Turbine. A device used to convert the energy in natural winds to usable electrical energy on Earth. (Note: This Ordinance treats a single accessory wind turbine differently (see Chapter 4) from other types of wind turbines (such as a wind farm).

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

Yard, Front. A "yard" measured from the front lot line (which is the future street right-of-way line where it abuts a street) and that extends the full width of the lot from side lot line to side lot line.

A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.

B. When a lot abuts onto two or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.

C. No accessory or principal structure shall extend into the required front yard, except as provided in this Zoning Ordinance.

Yard, Rear. A "yard" extending the full-width of the lot measured from the rear lot line and that stretches between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Zoning Ordinance.

Yard, Side. A "yard" measured from the side lot line and extending from the front lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard, except as provided for in this Zoning Ordinance.

Zoning Hearing Board. The Board granted jurisdiction under this ordinance to render final adjudication in accordance with the Pennsylvania Municipalities Planning Code (MPC) and pursuant to Section 114 & Section 115 this Ordinance.

Zoning Map. The Official Zoning Map of Foster Township, Schuylkill County, Pennsylvania.

Zoning Officers. The administrative officers charged with the duty of enforcing the provisions of the Zoning Ordinance, or their officially designated assistants.

Zoning Ordinance. Foster Township Zoning Ordinance, as amended.

Chapter 3 DISTRICTS

Section 301 Designation of Districts.

Section 301.1. For the purpose of this Zoning Ordinance, Foster Township is hereby divided into the following zoning districts:

Section 301.1.1. R-1 Residential District - Village Residential District

Section 301.1.2. R-2 Residential District - Medium Density Residential

Section 301.1.3. C-1 Commercial District

Section 301.1.4. VC-1 Village Commercial District

Section 301.1.5. P/C Public/Conservation

Section 301.1.6. I-1 Light Industrial District

Section 301.1.7. I-2 Heavy Industrial District

Section 301.1.8. I-3 Mineral Extraction District

Section 301.1.9. A-1 Airport District

Section 301.2. For the purposes of this Zoning Ordinance, the zoning districts named in Section 301.1 shall be of the number, size, shape, and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.1 shall mean the district name that is listed beside the abbreviation.

Section 301.3. Floodplain. The Floodplain Area in Section 513 of this Zoning Ordinance, shall serve as an overlay area to all of the underlying districts.

Section 301.4. Airport Hazard Zone Overlay. The Airport Area in Chapter 10 of this Zoning Ordinance, shall serve as an overlay area to the underlying districts regulating and restricting the height of structures and objects of natural growth, and otherwise regulates the use of property in the vicinity of the Schuylkill Regional Airport – Joe Zerbey Field.

Section 301.5. Mining Overlay. Mining of minerals shall be permitted by-right in all areas of the Township located in the Mining Overlay. Mining of minerals in the Mining Overlay shall be in agreement with the standards for Mineral Extraction included in Chapter 4 of this Ordinance.

Section 301.6. Recreational Overlay. ATV Usage and Campgrounds shall be permitted by-right in all areas of the Township located in the Recreational Overlay.

Recreational Overlay shall be in agreement with the standards for ATV Park, Campgrounds included in Chapter 4 of this Ordinance.

Section 301.7. Purpose of Each District. In addition to purpose stated in the Comprehensive Plan, the purposes of each zoning district are summarized below:

Section 301.7.1. R-1 District. Village Residential: To recognize areas of older residential development in the Township. To protect the integrity of the residential area by prohibiting the intrusion of incompatible nonresidential uses. To provide for a selected variety of housing types.

Section 301.7.2. R-2 District. Medium Density Residential: To provide for the orderly expansion of areas that offer residential neighborhoods at a medium density. To carefully protect these areas from incompatible uses. To provide for a selected variety of housing types.

Section 301.7.3. V-C District. Village Commercial: an appropriate mix of retail, service, office, public, institutional, and residential uses. To avoid heavy auto-related commercial uses that are most likely to conflict with nearby homes and the pedestrian orientation, and which are most likely to cause demolition of historic buildings. To provide for smaller scale uses that utilize existing older buildings as opposed to uses that would involve substantial demolition. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To carefully control uses to protect the public health and safety.

Section 301.7.4. C-1 District. Commercial: To provide for a range of needed commercial uses in locations that are less likely to involve conflicts with existing residences and that have excellent access to major highways. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To carefully control uses to protect the public health and safety.

Section 301.7.5. P-C. District Public/Conservation: To provide for development only at a very low intensity in areas that are environmentally sensitive or that have inadequate road access. To seek to preserve the water quality of important creeks. To recognize areas that include significant amounts of steep slopes, wetlands, high water table soils, and flood-prone areas. To direct development toward areas of the Township that are more environmentally suitable.

Section 301.7.6. I-1 District. Light Industrial: To provide for a range of light industrial and commercial uses in locations that are less likely to

involve conflicts with existing residences and that have excellent access to major highways. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To accommodate larger light industrial developments that are likely to attract considerable amounts of new traffic from outside of the Township. To carefully control uses to protect the public health and safety.

Section 301.7.7. I-2 District. Heavy Industrial: To provide for industrial uses that because of their intense nature, require careful siting consideration to avoid conflict with other land uses, including landfills. To carefully control uses to protect the public health and safety.

Section 301.7.8. I-3 District. Mineral Extraction. To provide for the mineral extraction in areas that support mining activities based on access to major highways, geologic considerations, and relationships to other land uses.

Section 301.7.9. A-1 District. Airport: To provide for a range mixed aviation and light industrial and commercial uses in locations that are less likely to involve conflicts with existing residences and that have excellent access to major highways. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To accommodate small to medium range air traffic, medium sized light industrial developments that are likely to attract high amounts of new traffic from outside of the Township. To carefully control uses to protect the public health and safety.

Section 302 Applicability of District Regulations.

Section 302.1. The regulations set by this Zoning Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Zoning Ordinance.

Section 302.2. No structure or land shall hereafter be erected, used, constructed, reconstructed, or structurally altered and no structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.

Section 302.3. No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein excepted as noted in Chapter 3. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.

Section 303 Zoning Map.

Section 303.1. A map entitled “Zoning Map Foster Township" accompanies this Zoning Ordinance and is declared a part of this Zoning Ordinance. At least one copy of an Official Zoning Map, which should bear the adoption date of this Zoning Ordinance and the words "Official Zoning Map," shall be retained in the Township Building.

Section 303.2. Map Changes. Changes to the boundaries and districts of the Zoning Map shall only be made in conformity with the amendment procedures specified in the PA. Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Zoning Ordinance.

Section 304 District Boundaries.

Section 304.1. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

Section 304.1.1. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, waterways and railroads, top of a bank or contour break, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this Zoning Ordinance, unless such district boundary lines are fixed by dimensions or other specific notations as shown on the Official Zoning Map.

Section 304.1.2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

Section 304.1.3. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the maps unless the same is indicated by dimensions.

Section 304.1.4. Where a municipal boundary divides a lot, the minimum lot area and lot width shall be regulated by the regulations of the municipality in which the principal use is located, unless otherwise provided by applicable case law.

Section 305 Setbacks and Buffers Across Municipal Boundaries.

Section 305.1. Intent. To seek compatible land use patterns across municipal boundaries.

Section 305.2. Where this Zoning Ordinance requires additional setbacks and the provision of buffer yards when certain uses abut an existing dwelling or a residential district, the same additional setback and buffer yard provisions shall be required when these certain uses are proposed within Foster Township if they would abut such an existing dwelling or primarily residential zoning district that is located in an abutting municipality.

Section 306 Permitted Uses by District.

Section 306.1. Uses Permitted by Right are as set forth on Appendix A and identified for the purposes of this Section 306, the following abbreviations shall have the following meanings:

P	=	Permitted by right (zoning decision by Zoning Officer).
C	=	Conditional use (zoning decision by the Township Supervisors with review by Planning Agency).
S	=	Special Exception (zoning decision by Zoning Hearing Board)
N	=	Not permitted.
Chapter 4	=	See Additional Requirements in Chapter 4.

Section 306.2. Unless otherwise provided by law or specifically stated in this Zoning Ordinance, including Section 105.2, any land or structure shall only be used or occupied for a use specifically listed in this Zoning Ordinance as permitted in the zoning district where the land or structure is located.

Section 306.2.1. See provisions for similar uses in Section 105.

Section 306.2.2. Any use shall only be permitted if the use complies with all other requirements of this Zoning Ordinance, including, but not limited to the "Environmental Protection" requirements of Chapter 5.

Section 306.3. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use. The following are permitted by-right as accessory uses to a lawful principal use in all districts, within the requirements of Chapter 4 and all other requirements of this Zoning Ordinance:

Section 306.3.1. Antennas, Standard (see definition in Chapter 2) * and antennae for emergency services.

Section 306.3.2. Day Care Center as an accessory use, within the limits on number of children in Section 424 and Section 425*.

Section 306.3.3. Fence, * or Wall* see Section 428.

Section 306.3.4. Garage Sale see Section 488. *.

Section 306.3.5. Indoor Storage that is customarily accessory to a permitted use.

Section 306.3.6. Keeping of Pets see Section 457 *.

Section 306.4. Recreational Facilities, non-commercial, limited to use by employees of a lot or a development, or residents of a development and their occasional invited guests.

Section 306.4.1. Residential accessory structure* (see definition in Chapter 2).

Section 306.4.2. Satellite Antennae*, see Section 465.

Section 306.4.3. Signs, as permitted by Chapter 7.

Section 306.4.4. Swimming Pool, Household See Section 477.*

Section 306.4.5. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use. For a skateboard ramp, see "Residential Accessory Structures" in Chapter 4.

* See standard for each in Chapter 4.

Section 306.5. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by-right accessory uses only to a lawful principal business or institutional uses, provided that all requirements of this Zoning Ordinance are met:

Section 306.5.1. Amusement machines, coin or token operated as accessory uses.

Section 306.5.2. Food, beverage and toy machines, coin operated.

Section 306.5.3. Newspaper sales machines, coin operated.

Section 306.5.4. The following accessory uses, provided that the use is clearly limited to employees, patients, residents, and families of employees of the use and their occasional invited guests:

Section 306.5.5. Standard or fast-food restaurant without drive-thru service,

Section 306.5.6. Day care center,

Section 306.5.7. Noncommercial recreational facilities, or

Section 306.5.8. Meeting facilities.

Section 306.6. Permitted Essential Services. The following are "Essential Services" that are permitted by-right as a principal or as an accessory use in all districts:

Section 306.6.1. Essential Services Exempt from Lot Area and Setback Requirements. The following essential services are not required to meet the accessory or principal structure setback, lot area or other lot requirements of this Zoning Ordinance, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use.

Section 306.6.1.1. Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.

Section 306.6.1.2. Electrical transformers as an accessory use to dwellings.

Section 306.6.1.3. Electrical, telephone and streetlight poles.

Section 306.6.1.4. Electrical transmission and distribution lines and meters

Section 306.6.1.5. Shelters and benches for buses that transport school children or that are owned, operated, or financed by a public transit authority, and that do not include off-premise signs.

Section 306.6.1.6. Engineered retaining walls that are clearly necessary to hold back slopes.

Section 306.6.1.7. Ramps primarily intended for handicapped access.

Section 306.6.1.8. Ground level porches that are not covered by a permanent roof. See Section 803.2.

Section 306.6.1.9. Steps leading into the entrance of a building. See Section 803.2.

Section 306.6.1.10. Construction. Temporary storage of vehicles and materials and construction office trailers that are clearly needed and being actively used for current construction on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site within 30 days of completion of the portion of the construction that they relate to. These vehicles and materials shall only be stored on a lot while the related Township construction permit is actively still in effect.

Section 306.6.2. Essential Services Required to Comply with Lot Area and Setback Requirements. The following are permitted essential services that are required (except within Section 117) to meet all the applicable requirements of this Zoning Ordinance:

Section 306.6.2.1. Electrical substations and bulk industrial or commercial transformers are not an accessory use to dwellings. Electric substations involving outdoor structures at least ten feet in height shall be required to provide evergreen screening within the requirements of Section 803.5 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.

Section 306.6.2.2. Water towers (see height exemption in Section 802), water filtration plants and pressure stations.

Section 306.6.2.3. Solid waste bulk dumpsters and bulk compactors.

Section 306.6.2.4. Central sewage treatment facility meeting all PADEP and Township regulations.

Section 307 Table of Lot and Setback Requirements by District.

Section 307.1. For the purposes of this Section 307, the following abbreviations shall have the following meanings:

sq. ft. = square feet.

ft. = linear feet.

Central Sewer = service at the time of occupancy by approved "central sewage service" as defined in Chapter 2.

Central Water = service at the time of occupancy by approved "central water service" as defined in Chapter 2.

NA = Not applicable.

Appendix B - The following requirements shall apply for each respective district, unless a more restrictive requirement is listed for a particular use in Chapter 4 for the specific usage or elsewhere in this Zoning Ordinance. See also “Lot Averaging Incentive to Preserve Natural Features” in Section 308, which is an option allowing smaller lots. See also the steep slope regulations of Section 505 that describe when larger lots are required in areas of 15 percent or greater slope.

Section 308 Lot Averaging Incentive to Preserve Natural Features.

Section 308.1. Purposes. To allow flexible development of areas with sensitive natural features to a) avoid severe soil erosion and sedimentation, b) avoid severely increased stormwater flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats, g) reduce construction costs, h) allow each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land, i) encourage the preservation of significant areas of common open space, and j) provide for development that respects and protects the rural scenic character of the Township.

Section 308.2. Applicability. This Section allows an applicant the option to reduce the minimum lot areas and minimum lot widths of certain lots if the applicant proves to the satisfaction of the Board of Supervisors that all of the requirements of this Chapter will be complied with.

Section 308.2.1. The term Lot Averaging shall mean a residential development meeting the requirements of this Section 308 as a conditional

use. The only dwelling units permitted within a Lot Averaging development shall be single-family detached dwellings.

Section 308.2.2. The minimum Total Area of the Tract shall be ten (10) acres in common ownership in order to be eligible for approval as a Lot Averaging Development, except that such minimum shall be 6 acres in the P-C district. Such land area shall be adjacent, although portions of the tract may be separated by existing or proposed streets or creeks. A Lot Averaging Development shall only be permitted within the R-2 where approved central sewer service and public water supply is not available and P-C districts.

Section 308.2.2.1. Lots of less than 2 acres that were previously granted final subdivision approval as part of a residential development shall not be recombined and resubmitted under this Section.

Section 308.2.2.2. For the purposes of this Chapter, the term Total Area of the Tract shall mean the total lot area or the total lot area of adjacent lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets but including a) the right-of-way of any new future streets proposed within the tract and b) any proposed open space.

Section 308.2.2.3. The Total Area of the Tract shall be divided by the total proposed number of dwelling units to equal the average lot area.

Section 308.2.3. A Lot Averaging Development shall be designed as a unified and coordinated manner and shall follow an approved development plan. After final subdivision approval and within an approved development agreement, a developer may sell individual lots to different builders or homebuyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.

Section 308.2.4. The application shall be submitted and decided upon as a conditional use, within the procedures of Chapter 10. The application shall be reviewed by the Planning Agency and approved or disapproved by the Board of Supervisors.

Section 308.2.4.1. To reduce uncertainty to an applicant, a conditional use application under this Section 308 shall only be

judged based upon the specific provisions of this Ordinance. The general standards for a conditional use stated in Section 120 shall not apply.

Section 308.2.4.2. Time Limit upon the Township. To reduce uncertainty to an applicant, a conditional use application under this Section 308 shall be decided upon by the Board of Supervisors within 120 days after a complete application is duly submitted, unless the applicant grants a written extension.

Section 308.2.4.3. Coordination with other Approvals. The applicant may choose either of the following options:

Section 308.2.4.3.1. To have the conditional use review occur at the same time as a preliminary and/or final subdivision review;

Section 308.2.4.3.2. Or, the conditional use application may be considered before a preliminary or final subdivision submittal. In such case, the conditional use application is not required to include the following types of information: detailed surveying, detailed stormwater management, engineering details, profiles, and detailed proposed grading. However, the conditional use application shall include sufficient information for the Board of Supervisors to determine the feasibility of the proposed layout and to fully understand the impact on natural features.

Section 308.3. Reduction of Lot Width, Lot Area, and Setback. If approved as a Lot Averaging Development, then the minimum lot area, minimum lot width and setbacks specified for Lot Averaging in Appendix B. of this Ordinance shall apply, unless a more restrictive requirement is established by another applicable section of this Ordinance.

Section 308.4. Other Requirements. Only requirements that are specifically stated in this Section as being adjusted shall differ from what would otherwise apply to a conventional non-cluster development. All other requirements of this Ordinance and the Subdivision and Land Development Ordinance shall still apply to a Lot Averaging Development.

Section 308.5. Conditions for Approval. In addition to the specific requirements of this Section, a Lot Averaging Development shall only be approved as a conditional

use if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Agency, that the following conditions will be met:

Section 308.5.1. The applicant shall prove that the Lot Averaging would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include, but are not limited to, one or more of the following:

Section 308.5.1.1. The permanent preservation through conservation easements of dense forests, steep slopes over 25 percent, wetlands, creek valleys, highly scenic areas, or other sensitive natural features.

Section 308.5.1.2. The permanent preservation of a substantial area of land in agricultural uses, in a tract of sufficient size and configuration that allows for efficient long-term agricultural use.

Section 308.5.1.2.1. These agricultural uses include but are not limited to: a) a plant nursery without on-site retail sales of plants not grown on the premises or b) a Christmas Tree Farm.

Section 308.5.1.2.2. If the lot averaging is intended to preserve farmland, then the farmstead should be placed on the largest lot possible.

Section 308.5.1.3. The dedication of public parkland at a site acceptable to the Board of Supervisors and that involves land that is clearly physically suitable and physically accessible for public recreation. See methods of ownership below.

Section 308.5.2. Natural Features. The applicant shall prove that the Lot Averaging Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes over 25 percent and wetlands. Areas along creeks shall be preserved in their natural state, except for landscaping, erosion control improvements and needed utility, street, and driveway crossings.

Section 308.5.3. Scenic Character. The applicant shall prove that proposed lots and building locations will be laid out to minimize disruption of Foster Township's scenic character, especially considering views from existing public streets and from major scenic overlooks. Buildings shall not

be located in areas that are highly visible, such as on top of major highly visible ridgelines. Buildings shall not be sprawled fronting onto existing public streets.

Section 308.5.3.1. The applicant shall provide cross-sections of views from major vantage points along existing public streets.

Section 308.5.3.2. The site plan should attempt to place some or all of the houses within woods or behind hedgerows or within dips in topography to minimize their visual impact. Major scenic vistas should remain open.

Section 308.5.3.3. See Section 308.13, which encourages deed restrictions to preserve scenic character.

Section 308.5.4. The site plan shall be prepared to minimize impacts on and conflicts with any tracts of cropland or livestock operations of more than 30 acres on abutting lots.

Section 308.5.5. If the intent of the plan is to preserve a significant tract of farmland, then houses should be placed on soils that are less productive as farmland.

Section 308.6. Average Density and Open Space.

Section 308.6.1. The applicant shall prove to the satisfaction of the Board of Supervisors that land will be permanently preserved as public, semi-public, or private open space to ensure that the minimum average lot area specified in Section 307 is complied with.

Section 308.6.1.1. The following are examples of the ways this Section 308 may be used in the P-C district, provided that a minimum average lot area of 5 acres per dwelling unit is maintained instead of an absolute minimum lot area of 5 acres per lot, provided all other requirements of this Ordinance are met:

Section 308.6.1.1.1. A 10-acre tract may be subdivided into a 2-acre and an 8-acre lot, instead of requiring 5-acre minimum lots. In such case, a conservation easement, enforceable by the Board of Supervisors, shall be required on the 8-acre lot to ensure that the lot is not further subdivided and to protect any portions of such lot that have important natural features, such as portions along a creek.

Section 308.6.1.1.2. A 10-acre tract may be subdivided into two 2-acre lots, if 6 acres are dedicated to the State Game Commission, to a homeowner association or to another approved entity to serve as common open space.

Section 308.6.1.1.3. A 20-acre tract may be subdivided into four 3-acre lots, if 8 acres are dedicated to the State Game Commission, to a homeowner association or to another approved entity to serve as common open space.

Section 308.6.1.1.4. A 100-acre tract may be subdivided into 20 2-acre lots if all remaining land (such as 55 acres after constructing streets) is suitable for and preserved through a conservation easement as usable contiguous farmland or a plant nursery. In such case, the farmland may be sold and resold or leased for its agricultural value.

Section 308.6.1.1.5. A 100-acre tract may be subdivided into two 2-acre lots and a 96-acre tract. A conservation easement would be needed to protect at least 11 acres of the 96-acre lot. That easement would make sure that the 5-acre minimum average lot size is maintained. The conservation easement would still allow additional subdivisions of the unprotected portions (85 acres) of the 96-acre lot. Under this example, all of the 100 acres would still be privately owned, would not be open to the public, and could be resold or leased.

Section 308.6.1.2. See Appendix B. which permit the minimum lot width to be averaged among the lots in the tract.

Section 308.6.2. Method of Preserving Open Space.

Section 308.6.2.1. The applicant shall prove prior to conditional use approval that the proposed method of ownership and preservation of required open spaces will ensure adequate preservation and maintenance of the land.

Section 308.6.2.2. Unless the applicant proposes to have the open space owned by an acceptable homeowner association, the Township shall be given right of first refusal at the time of the conditional use review to accept proposed open space as public open space.

Section 308.6.2.3. In each of the following cases, an appropriate conservation easement shall be established as described in Section 308.12, with such easement being enforceable by the Board of Supervisors. Required open space shall be permanently preserved by one of the following methods:

Section 308.6.2.3.1. Dedication to Foster Township as public open space if the Board of Supervisors agree in writing to such dedication and agree to maintain such land for public open space.

Section 308.6.2.3.2. Dedication to Schuylkill County or the Pennsylvania State Game Commission or the Pennsylvania Fish and Boat Commission as public recreation land, if the County Commissioners or such agency agrees in writing to accept such dedication and agrees to maintain such land as public recreation land.

Section 308.6.2.3.3. Dedication to the local School District if the School District agrees in writing to accept such dedication and to use and maintain the land for a public-school building and/or public open space.

Section 308.6.2.3.4. Dedication to a homeowner association as common open space that is not publicly owned, with the homeowners legally bound to ensure the maintenance and preservation of such land.

Section 308.6.2.3.4.1. Such homeowner's association being incorporated with covenants and by-laws providing for the filing of assessments and/or municipal liens for the nonpayment of maintenance costs for such common open space. Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit.

Section 308.6.2.3.4.2. The Board of Supervisors may require a developer to continue to be responsible for all maintenance and oversight of approved open space until the developer proves that a proposed homeowners association is incorporated and fully able to maintain such land.

Section 308.6.2.3.4.3. Areas required to be preserved shall be preserved by an appropriate method (such as a homeowner association agreement) in a legal form acceptable to the Board of Supervisors, based upon review by the Township Solicitor. The Board of Supervisors may require reasonable adjustments to such agreement based upon such review.

Section 308.6.2.3.4.4. The provisions of Sections 705. (f) parts (1) and (2) of the PA. Municipalities Planning Code, as amended, or such successor sections, shall serve as a general guide for any homeowner association agreement.

Section 308.6.2.3.4.5. Dedication of the land itself to a well-established and incorporated nature conservation organization acceptable to the Board of Supervisors.

Section 308.6.2.3.4.6. Dedication of a 99-year minimum conservation easement to the Board of Supervisors and also to a well-established and incorporated nature conservation organization acceptable to the Board of Supervisors. In such case, the open space may remain privately owned within certain lots that are larger than would otherwise be required.

Section 308.6.2.3.4.1. A conservation easement may be limited to those portions of the lot(s) that would need to be protected to ensure compliance with the minimum average lot area and width requirements. Portions to be protected by the conservation easement shall be contiguous, be generally rectangular in shape and have a minimum width of 200 feet, unless the applicant proves to the satisfaction of the Board of Supervisors that an alternative configuration would be appropriate and reasonable.

Section 308.7. Open Space Standards. Open spaces needed to meet the lot averaging requirements shall meet all of the following requirements:

Section 308.7.1. Such open space shall be protected by an appropriate conservation easement (which may include an agricultural preservation

easement), as specified in Section 308.12, below; including restrictions to prevent further subdivision that would violate the average lot area requirement for the tract. Where public or homeowner association open spaces are required, such land shall only be used for non-commercial recreation and for the preservation of natural features.

Section 308.7.2. If open space is intended to be open to the public, it shall have pedestrian access a minimum of 20 feet width to a public street or a private street to which the public is permanently granted access or abut an existing open space that is open to the public that has such access. The Board of Supervisors may also require appropriate street access for maintenance vehicles.

Section 308.7.3. All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping.

Section 308.8. Uses. A Lot Averaging Development may only include single-family detached dwellings, nature preserves, crop farming, plant nurseries, Christmas Tree farms, Township-owned recreation, and their customary permitted accessory uses.

Section 308.9. Steep Slopes. A lot required to have a larger minimum lot area under Section 505 because of steep slopes shall not be permitted to be reduced in lot area below the requirements of that Section 505. (However, through the use of the smaller minimum lot areas in this Chapter, the lot layout may be able to be revised to move proposed building sites away from steeply sloped portions of a tract so that the requirements of Section 505 no longer apply.)

Section 308.10. Access. A Lot Averaging Development involving 4 or more dwelling units shall only be permitted if all lots in the Development will have vehicle access from the perimeter of the Development using streets of less than 12 percent slope and 16 feet minimum width to reach a collector or arterial street. Such standard shall be an absolute minimum and shall not limit or reduce other Township requirements.

Section 308.11. Phasing. If the development involves 4 or more dwelling units, it shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Chapter would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

Section 308.12. Conservation Easements. Where a Conservation Easement is required by this Section, the following shall apply:

Section 308.12.1. Definition of a Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on a lot or on specific portions of a lot. Such easement shall restrict the original and all subsequent property-owners, lessees, and all other users of the land. To meet a requirement of a Township Ordinance, such easement shall run for a minimum period of 99 years. Such easement may serve as an agricultural easement, to ensure the preservation of specified portions of the tract in permitted agricultural uses.

Section 308.12.2. Standards. Where a Conservation Easement is required by this Chapter, such easement shall meet the following minimum requirements:

Section 308.12.2.1. Such easement shall be recorded in the Recorder of Deeds Office in Schuylkill County.

Section 308.12.2.2. The vast majority of the land shall be preserved in a near-natural or landscaped state or for agricultural uses.

Section 308.12.2.3. No new principal buildings may be constructed on the lot, other than for noncommercial recreation or as necessary to support on-site agricultural activities.

Section 308.12.2.4. The land shall not be used for any mineral extraction, commercial or industrial activities, other than agriculture or the growing of trees and plants for replanting or for Christmas tree sales.

Section 308.12.2.5. The land protected by the Conservation Easement shall not be further subdivided.

Section 308.12.2.6. Currently forested areas shall be maintained as forests, with only carefully selective cutting of trees in such as a way as to preserve the character of such lands as forested lands, without any clear cutting of trees.

Section 308.12.2.7. A conservation easement that is intended to preserve agriculture should be based upon a typical agricultural

preservation easement used by the County Agricultural Preservation Board.

Section 308.13. Deed Restrictions. The applicant shall provide a written description of the substance of types of any deed restrictions that the applicant proposes to establish on individual lots. The applicant is strongly encouraged to establish architectural standards to ensure that the proposed homes visible from a pre-existing public street are compatible with the Township's rural character.

Section 308.13.1. Such standards should encourage or require the use of the following on the facades of homes: the use of earth tone colors, roof pitches that are typical for farmhouses in the Township and rustic materials such as wood, brick, and stone on at least a portion of the facade.

Section 308.13.2. Such deed restrictions should also require future residents to plant a certain number of trees unless the home sites are already wooded.

Section 308.13.3. Applicants are encouraged to establish lower height limits on certain sites to minimize visibility from scenic areas along pre-existing public streets.

Section 308.14. The proposed site layout and any landscaping plan shall be sealed by a Registered Landscape Architect.

Section 308.15. Historic Preservation. The development shall be designed to avoid demolition of and to encourage rehabilitation of attractive historic buildings.

Section 308.16. Detention Basins. Stormwater detention or retention basins in visible locations shall be designed to resemble natural ponds to the maximum extent practical. If fencing to be provided around a basin visible from an existing public street, such fencing shall have the appearance of split rail wood, with wire mesh securely attached on the inside of the fence. Any wood used for such fencing shall be pressure-treated or otherwise treated to be weather resistant.

Chapter 4 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Section 401 Applicability.

Section 401.1. This Chapter establishes additional specific requirements for certain specific uses, in addition to the sign, parking, flood plain, environmental, and other general requirements of this Zoning Ordinance and the requirements of each District. Wherever two requirements conflict, the more restrictive requirement upon the applicant shall apply.

Section 401.2. For uses allowed within a specific Zoning District as "Special Exception" or "Conditional Uses," see the procedures and general standards in Section 114 and Section 120 list a set of additional standards to be used in determining whether a proposed special exception or conditional use should be approved.

Section 402 Accessory Dwelling for a Relative or Full-Time Caregiver or Caretaker.

Section 402.1. Any on-lot septic system shall be reviewed by the Sewage Enforcement Officer, who may require improvements, or a new system as needed to address the increased flows. An additional dwelling shall not be permitted if there is evidence of a system malfunction unless such system is adequately improved.

Section 402.2. An existing single-family detached dwelling shall maintain the appearance of a single-family detached dwelling from the street with a single front entrance. Additional entrances may be placed on the side or rear of the structure, or the dwellings may internally share the single front entrance.

Section 402.3. The principal dwelling unit shall include a minimum of 600 square feet of floor area.

Section 402.4. A maximum of two total dwelling units are permitted.

Section 402.5. The accessory dwelling unit shall be inhabited by a minimum of one of the following:

Section 402.5.1. A "relative" (as defined in Chapter 2) of an occupant of the principal dwelling unit on the lot;

Section 402.5.2. A full-time caretaker of the property who does not pay cash rent and who does not have any other full-time occupation; or

Section 402.5.3. A full-time caregiver (such as a nurse) to an occupant of the principal dwelling unit, provided such caregiver does not pay cash rent and who does not have any other full-time occupation.

Section 402.6. The dwelling unit should be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit (or in the case of an accessory building, revert to a non-residential use) after the permitted occupants no longer lives within it. Once the accessory dwelling is no longer occupied by a permitted occupant, the dwelling shall be reconverted into part of the principal dwelling unit, be removed, or be converted to storage or another permitted use.

Section 402.7. If the accessory dwelling is within the same building as the principal dwelling, the two dwelling units shall have at least one interconnecting inside door.

Section 402.8. The dwelling shall be within a principal or accessory building that existed at the time of adoption of this Zoning Ordinance, or within an addition to such a building.

Section 403 Additional Requirements for Accessory Uses.

Section 403.1. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by-right, special exception or conditional use are permitted by-right, except as is provided for in this Zoning Ordinance.

Section 403.2. Accessory Setbacks. All accessory structures shall conform with the minimum yard regulations established in Appendix B except as permitted below. Maximum height of permitted accessory uses in the residential districts is one and one-half stories not to exceed 15 feet.

Section 403.3. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

Section 403.4.

Section 404 Adult Day Care Center.

Section 404.1. Shall be fully licensed by the State, if required by the State.

Section 404.2. Shall include constant supervision during all hours of operation.

Section 404.3. Shall not meet the definition of a "treatment center."

Section 405 Adult Use.

(This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Use.)

Section 405.1. No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, technical training school, place of worship, public park, day care center, child nursery, library, existing dwelling not owned by the same owner as the adult use, or any site marked as a proposed future park location on any Township Official Map.

Section 405.2. No such use shall be located within 1,000 lineal feet of any existing "adult use."

Section 405.3. A 35 feet buffer yard shall be provided along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of five feet.

Section 405.4. No pornographic material, displays, or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.

Section 405.5. No such use shall be used for any purpose that violates any Federal, State or Township law.

Section 405.6. See Section 709, Prohibited Signs.

Section 405.7. No such use shall be allowed in combination with the sale of alcoholic beverages.

Section 405.8. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.

Section 405.9. These uses are specifically prohibited in all Districts except where specifically permitted by Chapter 3.

Section 405.10. A minimum lot area of one acre is required, unless a larger lot is required in the applicable district regulations.

Section 405.11. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.

Section 405.12. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers or between customers.

Section 405.13. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.

Section 405.14. All persons within any adult use, other than performers in an adult live entertainment use, shall wear non-transparent garments that cover their genitals and the female areola.

Section 405.15. Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he has mailed or delivered a written notice of the proposed hearing date to all property-owners of

record within 1,000 feet of the subject property at least ten days prior to the hearing date.

Section 405.16. Any application for such use shall state the names, home addresses and home phone numbers of: a) all individuals intended to have more than a five percent ownership in such use or in a corporation owning such use; b) an on-site manager responsible to ensure compliance with this Zoning Ordinance; and c) any legal representative of the applicant. Such information shall be updated once a year in writing to the Zoning Officer.

Section 406 After Hours Club.

See State Act 219 of 1990, which generally prohibits this use.

Section 407 Airport

Section 407.1. Minimum lot area shall be 100 acres for airports.

Section 407.2. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of airports and/or heliports.

Section 407.3. No part of the takeoff/landing strip and/or pad shall be located within 300 feet from any property line.

Section 407.4. The applicant shall provide the delineation of the airport or heliport hazard zone to Foster Township and all adjoining municipalities with land located within the hazard zone.

Section 407.5. All facilities shall not be detrimental to the health, welfare and safety of Foster Township residents and their property.

Section 407.6. Permitted Uses. Uses are permitted by right, as special exceptions, and as conditional uses in airport districts listed in Appendix A.

Section 407.7. Accessory Uses. The following accessory uses are permitted when used in conjunction with a principal use or structure:

Section 407.7.1. Aircraft runways

Section 407.7.2. Aircraft taxiways

Section 407.7.3. Aircraft parking and tie-down areas

Section 407.7.4. Internal Access Roadways

Section 407.7.5. Communication Towers

Section 407.7.6. Aviation specific signage

Section 407.7.7. Marking and Lighting,

Section 407.7.8. Navigational and\or guidance systems

Section 407.7.9. Hangers.

Section 407.7.10. Security watch stations for security guards or caretakers.

Section 407.7.11. Administrative offices related to permitted uses

Section 407.7.12. Terminal Facilities

Section 407.7.13. Fuel Facility specially for aviation use or on-site vehicles.

Section 407.7.14. Sale and storage of fuels and lubricants for aircraft and supporting equipment in compliance with §184-83G herein and all applicable state and federal regulations.

Section 407.7.15. Cafeteria or canteen for the sole use of employees and visitors to the establishment.

Section 407.7.16. Restaurant Facilities

Section 407.7.17. Repair, painting, or washing facilities for the maintenance of vehicles used in the operation of the principal use or aircraft.

Section 407.7.18. Avionics Shop

Section 407.7.19. Storage garages for vehicles used in the operation of the principal use.

Section 407.7.20. Parking for principal and accessory uses in conformance with Chapter 6.

Section 407.7.21. Parking facilities.

Section 407.7.22. Aircraft Rentals

Section 407.7.23. Automobile Rental

Section 407.7.24. Sale, storage, repair, development, installation, fabrication and maintenance of aircraft, aircraft accessories, and aircraft parts

Section 407.7.25. Training for repair and maintenance of aircraft and aircraft accessories

Section 407.7.26. Flight Training Facilities

Section 407.7.27. Aircraft Charter Operations

Section 407.8. Sewer and Water Facilities. All development in airport districts shall be served by water facilities and sanitary sewer facilities acceptable to the Board of Supervisors and subject to the approval of the Pennsylvania Department of Environmental Protection or its successor agency and the appropriate municipal authority providing water or sewer facilities. Sewer to be provided in accordance with Section 507 Sewage Disposal of this ordinance.

Section 407.9. Performance Standards. Any activity or use in airport districts shall comply with the performance standards of Part 7.

Section 407.10. Natural and Landscaped Areas. All portions of a tract not occupied by buildings and required improvements shall be maintained as landscaped areas consisting of natural environmental features and/or planted vegetation.

Section 407.11. Buffers. Buffers shall be provided in accordance with Section 803.

Section 408 Animal Cemetery. See Cemetery.

Section 409 Apartments. See Townhouses and Apartments.

Section 410 Automobile Auctions and/or Automobile Parking or Storage Compounds

Within the (I-2) Zone, automobile auctions and/or automobile parking or storage compounds shall be permitted by conditional use or special exception subject to the following criteria:

Section 410.1. Any site used for the sale, parking and/or storage of more than one hundred fifty (150) vehicles shall front solely upon collector or arterial roads;

Section 410.2. All exterior areas used for the sale, parking and/or storage of automobiles shall be completely enclosed by a minimum eight foot (8') high fence, which shall be subject to the setback requirements imposed upon off-street parking lots;

Section 410.3. Access drives, for a distance of one hundred feet (100') from the edge of the street right-of-way shall be paved. Beyond this all areas used for vehicle sales, parking or storage may be a non-paved all-weather, dust-free surface.

Section 410.4. All lighting shall be designed and constructed so as not to cast glare on adjoining road and/or properties.

Section 410.5. In addition to the preceding requirements, automobile auctions shall comply with the following:

Section 410.5.1. The sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display areas, stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The sales shall include all indoor and outdoor areas as listed above;

Section 410.5.2. The retail sales area shall be set back at least fifty feet (50') from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;

Section 410.5.3. Any exterior lighting and amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties;

Section 410.5.4. Exterior trash receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter;

Section 410.5.5. The servicing, reconditioning, demolition, or junking of vehicles is prohibited;

Section 410.5.6. The applicant shall furnish evidence that the disposal of all materials will be accomplished in a manner that complies with all applicable State and Federal regulations; and,

Section 410.5.7. No part of the auction shall be located within six hundred feet (600') of any land within the (R-1), (R-2), (V-C), and (C-1) Zones.

Section 411 Automobile Repair Garage or Auto Service Station.

Section 411.1. Any spray paint work shall be performed within a building. All spray painting shall require a fume collection system that directs fumes away from any adjacent dwellings.

Section 411.2. See performance standards in Chapter 5, such as noise and glare.

Section 411.3. Outdoor storage of vehicles shall be setback a minimum of 20 feet from a lot line of an existing dwelling.

Section 411.4. Overnight outdoor storage of "junk" other than junk vehicles shall be prohibited within view of a public street or a dwelling.

Section 411.5. An individual "junk vehicle" (as defined by Chapter 2) shall not be stored within view of a public street or a dwelling for a total of more than 20 days. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time.

Section 411.6. Fuel pumps shall be at least 25 feet from the existing street right-of-way.

Section 411.7. Auto, Boat or Manufactured Home Sales.

Section 411.8. No vehicle or home on display shall occupy any part of the existing street right-of-way or required customer parking area or any paved area setback required by Section 603.

Section 411.9. See light and glare standards in Section 511.

Section 411.10. Auto service station (a) See definition in Chapter 2 and definition of "auto repair garage."

Section 411.11. All activities, except those to be performed at the fuel or air pumps, shall be performed within a completely enclosed building.

Section 411.12. Fuel pumps shall be at least 25 feet from the existing street right-of-way.

Section 411.13. All automobile parts and dismantled vehicles are not to be visible from a public street or dwelling.

Section 411.14. No vehicle that is not operable or does not have current registration shall be stored within view of a public street or dwelling for more than a total of 10 days.

Section 411.15. There shall be an ability for a minimum of four vehicles to be serviced at each cluster of gasoline pumps or to be lined up behind cars being serviced without obstruction of access into or out of the use.

Section 411.16. A use that is primarily intended to serve trucks with three or more axles shall be required to have a minimum lot area of three acres, and all areas used for fueling and servicing shall be set back a minimum of 100 feet from all existing residential lot lines and residential zoning district boundaries.

Section 412 Automobile Service Stations

Automobile filling stations (including minor incidental repair) are permitted by conditional use in the (V-C, (C-1), and (A-1) Zone and by right in the (I-1) Zones, subject to the following criteria.

Section 412.1. The subject property shall have a minimum width of one hundred twenty-five feet (125');

Section 412.2. The subject property shall front on an arterial or collector road;

Section 412.3. The subject property shall be setback at least three hundred feet (300') from any lot containing a school, day care facility, park, playground, library, hospital or nursing, rest or retirement home;

Section 412.4. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;

Section 412.5. All structures (including air compressors, kiosks, gasoline pump islands, but not including signs) shall be setback at least fifteen feet (15') from any street right-of-way line;

Section 412.6. No outdoor storage of auto parts shall be permitted.

Section 412.7. All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100') from and oriented away from any adjoining residence.

Section 412.8. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 413 Bed and Breakfast

Use- (see definition in Chapter 2).

Section 413.1. Minimum lot area of 10,000 square feet plus 300 square feet for each sleeping in excess of four provided the prescribed lot width, yard setbacks, height, and coverage requirements for a single-family dwelling are met unless a large lot is required by the applicable district regulations

Section 413.2. Capacity. A maximum of five rental units.

Section 413.3. Parking. 1.5 off-street parking spaces shall be provided for each rental unit, in addition to two off-street parking spaces for the owners/managers/employees. No more than two off-street parking spaces shall be located within the required front yard. If more than four parking spaces are provided within 25 feet of an adjacent dwelling, the spaces shall be separated from the dwelling by plant screening that primarily includes evergreens and that meets the approval of the Township Supervisors.

Section 413.4. At least one bathroom shall be provided for every three rental units, plus one bathroom for resident operators.

Section 413.5. Signs. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign which shall: 1) not be internally illuminated, 2) have a maximum sign area of six square feet on each of two sides, and 3) have a maximum total height above the ground of eight feet.

Section 413.6. Appearance. The use shall have an appearance and character consistent with a residence. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements and any necessary safety or handicapped access improvements.

Section 413.7. The use shall be operated and managed on a daily basis by owners permanently residing on the premises. A maximum of two non-resident employees may continually work on the premises.

Section 413.8. Food. Separate cooking facilities shall not be provided in any guest room. Food shall only be served to guests who are staying overnight, and not to the general public, unless a restaurant is also permitted in the district and the requirements for a restaurant are also met.

Section 413.9. The use shall be limited to transient visitors to the area. No guest shall stay for more than 24 total days in any 60-day period.

Section 413.10. The use of any amenities, such as swimming pool or tennis court, shall be restricted in use by overnight guests and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is permitted in the district and the requirements for such use are also met.

Section 413.11. A Bed and Breakfast use may be within any principal building that meets the requirements of this Section. No new accessory building shall be built to accommodate rental units or a restaurant. All existing principal buildings shall be retained, and the rooflines of such buildings shall be maintained.

Section 413.12. Recreation Activity Setback. All active recreation activities shall be setback a minimum of 25 feet from lot lines and shall cease within one hour after sundown.

Section 413.13. Liquor. The use shall not operate in combination with a liquor license, nor shall alcoholic beverages be sold by the drink. If alcoholic beverages are made available to guests, all applicable State laws regulating the alcoholic beverages shall be complied with.

Section 413.14. The general standards for conditional uses listed in Chapter 1 of this Zoning Ordinance shall be complied with.

Section 414 Boarding House (or Rooming House).

Section 414.1. Minimum lot area - 10,000 square feet plus 300 square feet for each sleeping room in excess of four, provided the prescribed lot width, yard setbacks, height, and coverage requirements for a single-family dwelling are met unless a large lot is required by the applicable district regulations.

Section 414.2. Each sleeping room shall be limited to 2 persons each.

Section 414.3. See also standards for "personal care home" which is a separate use.

Section 414.4. Signs shall be limited to two wall signs with a maximum of two square feet each.

Section 414.5. Rooms shall be rented for a minimum period of five consecutive days.

Section 415 Campground and Recreational Vehicle (RV) Parks.

Section 415.1. Intent: The intent of this section shall be to provide rules, regulations and standards for development of RV parks and campgrounds in the Foster Township, ensuring that the public health, safety and general welfare are protected; that orderly growth and development together with the conservation, protection and proper use of land shall be ensured; that proper provisions for all public facilities shall be made; and that local government is given appropriate control over the zoning and location of RV parks and campgrounds in their respective municipalities.

Section 415.2. Definitions for Section 415:

Accessory Uses. Offices, recreational facilities, convenience stores, gift shops, service buildings, rest rooms, dumping stations, showers, laundry facilities, storage units and other uses and structures customarily a part of the RV park or campground operation for the use of occupants.

Cabin/Camping. A hard-sided tent or shelter less than four hundred (400) square feet in area.

Cabin/Housekeeping. A rustic cabin less than four hundred (400) square feet in area providing guests with full-service amenities as an alternative to other forms of rental lodging.

Campers. A person or persons participating in RV'ing or camping (also see RV’ers).

Campground/Recreational Vehicle Site. A plot of ground within a recreation vehicle park or campground intended for the accommodation of either a recreation vehicle, tent, or other individual camping unit on a temporary basis.

- *Primitive.* A site where no hookups are providing at the individual sites.

- *Developed.* A site accessible by vehicular traffic where RV sites are substantially developed with two or more utilities, i.e., sewer, water, or electricity.

Camping Unit. A structure, shelter or vehicle designed, and intended for occupancy by persons engaged in RVing or camping. The basic units are recreational vehicle, camping cabin, housekeeping cabin, tent, and other rental accommodations for enjoying the outdoor experience.

Density. The number of camping unit sites on a unit of land area.

Greenbelt. A strip of land, containing landscaping or other aesthetic site obscuring features, intended to buffer potentially incompatible uses. Greenbelts may include utilities and other underground facilities but not camping units, buildings, or recreation areas.

Minimum Lot Size. The minimum land area required to accommodate an RV park or campground.

Occupancy. The presence of guest(s) in a camping unit for a site night where rent is received.

Operator. The owner of RV park or campground or his/her designee.

Owner. The owner of an RV park or campground or his/her designee.

Recreation Area. A specific area of the RV park or campground, either of land or an area of water or a combination of land and water, which is designed and intended for the use or enjoyment of guests of the RV park or campground.

Recreational Vehicle (RV). A vehicular-type camping unit certified by the manufacturer as complying with ANSI A119.2 or A119.5 and primarily designed to provide travel and destination RV'ing that either has its own mode of power or is mounted on or towed by another vehicle. The basic units are camping trailer, fifth-wheel trailer, motor home, park trailer, travel trailer and truck camper as described below.

- *Camping Trailer.* A recreational vehicle that is mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold for use.
- *Fifth-Wheel Trailer.* A recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- *Motor Home.* A recreational vehicle built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

- *Park Trailer.* A recreational vehicle that meets the following criteria:
    - Built on a single chassis mounted on wheels.
    - Certified by the manufacturer as complying with ANSI A119.5.
- *Travel Trailer.* A recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is mounted behind the tow vehicle's bumper.
- *Truck Camper.* A recreational vehicle consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

Recreational Vehicle/Dependent. A recreational vehicle not containing sanitary facilities and/or devices for connecting said facilities to a community waste disposal system.

Recreational Vehicle/Independent. A recreational vehicle containing sanitary facilities and devices for connecting said facilities to a community waste disposal system. This type of RV is also referred to as a "self-contained recreational vehicle."

Rent. Compensation or other consideration given for a prescribed right, use, possession or occupancy of an RV park or campground.

Rental/On-site. A camping unit placed within an RV park or campground which is available for rental to guests.

RVers. Individuals who use recreational vehicles for RV'ing and camping, including but not limited to the following categories:

- *Daily/Overnighter.* Typical are the many RV'ers and campers who stay for a short time as an alternative to other types of lodging; the length of stay is specified in this section of the ordinance typically travelers, area visitors or tourists enjoying local attractions of a given area.
- *Extended Stay.* Those who stay in a given recreational vehicle park or campground for an extended period of time; the length of stay is specified in this section of the ordinance. The term "extended stays" is generally used in describing three groups as follows:
    - Individuals who have selected a recreationally centered lifestyle and who list a specific location for a traditional camping season duration.
    - Individuals who have selected interim lodging during temporary transfer to a new locality or while awaiting construction of conventional housing who list a specific location.
    - Individuals who frequently relocate for employment purposes who list a specific location.
    - A type of camper not a period of time.

Service Building. A structure or portion thereof that is used to house sanitary facilities, such as water closets or lavatories. It may include other facilities for the convenience of the RV park or campground guests.

Site. The portion of an RV park or campground where the camping unit is situated.

Tent. A portable shelter, consisting of synthetic fabrics or natural skins stretched over a flexed or rigid framework.

Section 415.3. Minimum Lot Size: Thirty (30) acres.

Section 415.4. Density and Campground/Recreation Vehicle:

Section 415.4.1. Campgrounds and RV Parks may be used by campers and RV'ers. Campers and RV'ers shall rent Camping Units on Campground/Recreational Vehicle Sites on a daily/overnight basis only and the renters of said Campground/Recreational Vehicle Sites shall remain in the Campground/RV Park for not more fourteen (14) days unless the renters are of the Extended Stay category.

Section 415.4.2. Size and separation of Campground/Recreation Vehicle Sites.

Section 415.4.2.1. Daily/Overnight: minimum of two thousand one hundred (2,100) square feet with minimum site width of thirty-five (35) feet.

Section 415.4.2.2. Extended Stay: minimum of three thousand (3,000) square feet with a minimum site width of fifty (50) feet.

Section 415.4.2.3. The minimum distance between sites shall be fifteen (15) feet. The site is defined as the area defined in Section 415.4.2.1 and Section 415.4.2.2. The distance is measured from edge of site to edge of site. There is a 15-foot space between each campsite area.

Section 415.4.3. The maximum number of Campground/Recreation Vehicle Sites per acre shall be fifteen (15).

Section 415.5. Areas for recreation/open space.

Section 415.5.1. A minimum of twenty (20%) percent of the gross area of the campground of which no more than fifty 50) percent can be a body of water shall be devoted to active and passive recreation areas. Responsibility for maintenance of the recreation area shall be with the landowner.

Section 415.6. Buildings, structures, and accessory uses:

Section 415.6.1. Every campground shall have an office in which shall be located the office of the person responsible for the operation of the campground.

Section 415.6.2. "Accessory Uses," as defined in this section are permitted. Such accessory and commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels.

Section 415.7. Setbacks and Greenbelts:

Section 415.7.1. A greenbelt shall be provided between the campground and any abutting property unless natural or physical fabricated barriers exist.

Section 415.7.2. Any existing healthy trees within any setback shall be preserved, except as needed for entrance roads and utility crossings.

Section 415.7.3. Campground Recreation Vehicle Sites shall be located a minimum of one hundred (100) feet from any public street right-of-way; fifty (50) feet from any side or rear property line; and one hundred and fifty 150 feet from all residential lot lines.

Section 415.7.4. No Camping Unit used for sleeping quarters shall be within the one-hundred-year floodplain or on slopes over fifteen (15) percent.

Section 415.7.5. Any "Accessory Use" shall be set back a minimum of one hundred (100) feet from any property line.

Section 415.7.6. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.

Section 415.7.7. Any swimming pools, recreation centers, clubhouses, restrooms, trash receptacles or other similar areas of high use or noise potential shall be located not less than two hundred (200) feet from all property lines, and screened from residential properties

Section 415.8. Access and circulation:

Section 415.8.1. A commercial campground shall include at least one paved entrance road from a street, with a minimum width of twenty-four (24) feet. The first one hundred (100) feet of the campground road from the street cartway shall be paved.

Section 415.8.2. Entrances and exits to RV Parks and Campgrounds (not individual camping unit sites) shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within one hundred (100) feet, where speed limit is less than 45 miles per hour, or one hundred fifty, or one hundred fifty(150) feet, where speed limit is 45 miles per hour or more, or to PennDOT standards, whichever is more restrictive.

Section 415.8.3. No entrance or exit from a Campground/RV Park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

Section 415.8.4. Except for these surfaces which are required to be paved, exposed ground surfaces in all parts of RV Parks and campgrounds shall be covered with crushed stone or gravel or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

Section 415.8.5. Roads within the campground/RV Park shall have a minimum width of 15 feet for one-way streets and 24 feet for two-way streets. Vehicular access to campsites shall be provided only by way of the road network within the campgrounds.

Section 415.8.6. A traffic impact study, prepared by a Professional Engineer, licensed in PA is required subject to the requirements of *Foster Township Subdivision and Land Development Ordinance* (SALDO).

Section 415.9. Sewage, Water, And Trash:

Section 415.9.1. All public drinking water used in the operation of a campground shall be constructed as outlined in Section 506 and be provided from a supply approved by PADEP .

Section 415.9.2. All sewage disposal systems serving a campground shall constructed as outlined in Section 507 and be approved by PADEP and Foster Township or its assignees.

Section 415.9.3. Restrooms with toilet and water facilities shall be provided on the premises of each campground for the use of the employees and occupants of the campground. These facilities shall be approved by the PADEP .

Section 415.9.4. Solid waste disposal and vector control shall be the responsibility of the campground landowner and shall be performed in accordance with the requirements of PADEP .

Section 415.10. Impervious Coverage:

Section 415.10.1. Maximum: Ten (10) percent.

Section 415.11. Signs:

Section 415.11.1. A Campground/RV Park may construct one (1) freestanding on-illuminated sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, and at least twenty-five (25) feet from adjoining lot lines.

Section 415.12. Lighting:

Section 415.12.1. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

Section 415.13. Plot Plan:

Section 415.13.1. Every application for the construction, operation, maintenance and occupancy for an RV park or campground shall be accompanied by plans, and specifications, at a minimum scale of one inch to 50 feet fully setting out the trailer spaces, the position of each travel trailer, motor vehicle parking spaces, the interior road giving access thereto, buildings, recreation areas and a plan of landscaping. The plan shall also

show adjoining property uses and any structures within five hundred (500) feet of any property lines.

Section 415.14. Occupancy:

Section 415.14.1. Every campground shall have an office in which shall be located the person responsible for operation of the campground. Such person shall maintain a daily registration log of tenants; such registration log shall be maintained for each calendar year.

Section 415.14.2. Permanent occupancy prohibited: No Camping Unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Continuous occupancy extending beyond six (6) months in any twelve-month period shall be presumed to be permanent occupancy.

Section 415.15. Zoning Permit/Certificate of Use and Occupancy:

Section 415.15.1. Upon the proper installation of the campground, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months.

Section 415.15.2. A fee, in the amount to be set by the Municipality, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit.

Section 415.15.3. Prior to the issuance of renewal of a certificate of use and occupancy, the owner of a campground shall file with a set of campground regulations.

Section 415.15.4. The owner of the campground shall make certain that zoning and building permits are obtained prior to the construction or installation of all structures on the premises. This provision includes structures proposed on camping site other than tents or campers.

Section 415.15.5. Upon due notice, the Zoning Officer may revoke a certificate of use and occupancy for failure by the owner to enforce such regulations, or for the violation of this chapter or other provisions, and the same shall be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

Section 416 Camps.

Section 416.1. Minimum Lot Area: Twenty (20) acres.

Section 416.2. Definitions:

Camp. Those organized camp establishments which provide food or lodging accommodations of tents or cabins for groups of children or adults engaged in organized recreational or educational programs. The term "camp" shall include, but shall not be limited to, camps with special program emphasis, such as horseback riding, conservation, music, and sports, as well as "retreat camps." The term "camp shall not include manufactured home parks, migrant labor camps or recreational vehicle parks.

Campsite. For purposes of this section, "campsites" are those plots of ground in a "camp" which are used for "tents" or "cabins."

Cabins. A rustic fully enclosed structure less than four hundred (400 square feet in area providing shelter and/or cooking and sanitary facilities.

Tent. A soft or hand sided shelter less than four hundred (400) square feet in area used for shelter and sleeping with no fixed cooking or sanitary facilities.

Section 416.3. Campsite And Density Regulations:

Section 416.3.1. Campsites shall be a minimum of fifteen hundred (1500) square feet with a minimum width of thirty (30) feet.

Section 416.3.2. Cabins and tents shall be placed only on campsites and shall be no closer than five (5) feet to campsite lines

Section 416.3.3. Campsites shall be delineated on the ground.

Section 416.3.4. No more than fifteen (15) campsites per acre shall be allowed.

Section 416.3.5. No campsites shall be permitted on slopes more than fifteen (15) percent.

Section 416.4. Buildings, Structures, And Accessory Uses.

Section 416.4.1. Every camp shall have an office in which shall be located the person responsible for operation of the facility. Such person shall maintain a registration log of guests and staff on the site on a daily basis.

Section 416.4.2. Offices may be a stand along fully enclosed structures are part of fully enclosed a structure, but in no case shall any structure be more than fifteen hundred (1500) square feet (except for caretakers).

Section 416.4.3. No lodging shall be allowed in any structure other than cabins or tents except for living accommodations for a caretaker. Such accommodations shall be no more than nine hundred (900) square feet in size.

Section 416.4.4. Any items sold or provided shall be for the users of a camp.

Section 416.5. Parking:

Section 416.5.1. Each campsite shall either provide a parking space which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.

Section 416.5.2. Required parking will be determined based upon the types of activities proposed and the schedule listed in this Ordinance. In addition, if warranted by the conduct of special events or community gatherings, the Zoning Hearing Board may require an unimproved/grassed overflow parking area for peak use periods. Overflow parking areas may also require fencing to prevent vehicles from crossing adjoining properties.

Section 416.6. Setbacks And Buffers:

Section 416.6.1. No building, off-street parking lot or loading area, athletic field or court, playground, picnic, pavilion, campsite, dumpster, or other similar structure shall be located within one hundred (100) feet of a property line.

Section 416.6.1.1. Those uses involving outdoor activities shall provide sufficient screening and/or measures to mitigate any visual and/or audible impacts on adjoining properties.

Section 416.6.1.2. Any sanitary and garbage collection/recycling facilities shall be screened from adjoining residentially zoned properties.

Section 416.6.1.3. No buildings or campsites in a floodplain.

Section 416.7. Access And Circulation:

Section 416.7.1. A commercial campground shall include at least one gravel or paved entrance road from a street, with a minimum width of twenty (20) feet. The first one hundred (100) feet of the camp road from the street cartway shall be paved.

Section 416.7.2. Entrances and exits to the camp shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within one hundred (100) feet, where speed limit is less than 45 miles per hour, or one hundred fifty (150) feet, where speed limit is 45 miles per hour or more, or to PennDOT standards, whichever is more restrictive.

Section 416.7.3. No entrance or exit from the camp shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

Section 416.7.4. Except for these surfaces which are required to be paved, exposed ground surfaces in all parts of the camp shall be covered with crushed stone or gravel or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

Section 416.7.5. Roads within the camp shall have a minimum width of 12 feet for one-way streets and 20 feet for two-way streets. Vehicular access to the camp shall be provided only by way of the road network within the campgrounds.

Section 416.7.6. A traffic impact study is required subject to the requirements of *Foster Township Subdivision and Land Development Ordinance* (SALDO).

Section 416.8. Sewage, Water and Trash:

Section 416.8.1. All drinking water used in the operation of the camp shall be provided from a supply approved by PADEP.

Section 416.8.2. All sewage disposal systems serving the camp shall be approved by PADEP.

Section 416.8.3. Restrooms with toilet and water facilities shall be provided on the premises of the camp for the use of the employees and occupants of the camp. These facilities shall be approved by the PADEP.

Section 416.8.4. Solid waste disposal and vector control shall be the responsibility of the camp landowner and shall be performed in accordance with the requirements of PADEP.

Section 416.9. Impervious Coverage:

Section 416.9.1. Maximum: Five (5) percent

Section 416.10. Signs:

Section 416.10.1. One (1) freestanding non-illuminated sign containing no more than thirty-two (32) square feet is allowed at the entrance to a camp. It shall be setback at least ten (10) feet from a road right-of-way line and at least twenty-five (25) feet from adjoining lot lines.

Section 416.10.2. An unlimited number of on-site directional and information signs are permitted provided such signs reasonably relate to the number and scale of facilities contained on the site. Such signs shall be limited to no more than ten (10) square feet of total sign area, with a maximum permitted height of eight (8) feet.

Section 416.10.3. The applicant shall provide for adequate safety signs to warn pedestrians and motorists of rail crossings.

Section 416.11. Lighting:

Section 416.11.1. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

Section 416.12. Plot Plan:

Section 416.12.1. Every application for the construction, operation, maintenance, and occupancy for the camp shall be accompanied by plans, and specifications, at a minimum scale of one inch to 50 feet fully setting out the trailer spaces, the position of each travel trailer, camp sites, motor vehicle parking spaces, the interior road giving access thereto, buildings, recreation areas and a plan of landscaping. The plan shall also show adjoining property uses and any structures within fifty (50) feet of any property lines.

Section 416.12.2. The Plot Plan shall also show any of the following:

Section 416.12.2.1. One-hundred-year floodplains;

Section 416.12.2.2. Steep slopes (greater than 15%);

Section 416.12.2.3. Wetlands, wellhead protection areas, streams, ponds, or other water bodies;

Section 416.12.2.4. Sinkholes, caves, vistas, or other significant geologic features;

Section 416.12.2.5. Threatened or endangered species habitats;

Section 416.12.2.6. Archaeological resources;

Section 416.12.2.7. Historic resources; and

Section 416.12.2.8. Significant stands of mature trees.

Section 416.13. Occupancy.

Section 416.13.1. Occupancy of any campsite shall be limited to no more than one hundred eighty-one (181) consecutive days during any calendar year, except for a caretaker.

Section 416.14. Zoning Permit/Certificate of Use and Occupancy:

Section 416.14.1. Upon the proper installation of the camp, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months. A fee, in the amount to be set by Foster Township, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit;

Section 416.14.2. Prior to the issuance of renewal of a certificate of use and occupancy, the owner of the camp shall file with a set of the camp regulations.

Section 416.14.3. The owner of the camp shall make certain that zoning and building permits are obtained prior to the construction or installation of all structures on the premises. This provision includes structures proposed on camping site other than tents or campers.

Section 416.14.4. Upon due notice, the Zoning Officer may revoke a certificate of use and occupancy for failure by the owner to enforce such regulations, or for the violation of this chapter or other provisions, and the same shall be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

Section 417 Car Wash. / Motor Vehicle Washing Facility

Section 417.1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

Section 417.2. On-lot traffic circulation channels and parking areas shall be clearly marked.

Section 417.3. Adequate provisions shall be made for the proper and convenient disposal of refuse. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.

Section 417.4. Water used in the operation shall be collected and recycled and shall not flow into any storm sewers or waterways or the groundwater outside of an on-lot septic system.

Section 417.5. Water from the operation shall not flow onto sidewalks or streets, to prevent hazards from ice.

Section 417.6. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

Section 417.7. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

Section 418 Cemetery.

Section 418.1. Minimum lot area- five (5) acres.

Section 418.2. A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

Section 418.3. All structures and graves shall be setback a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the existing right-of-way of any public street and ten feet from the cartway of an internal driveway.

Section 418.4. No gravesites shall be located within the 100-year floodplain.

Section 418.5. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

Section 418.6. The use shall include an appropriate system to ensure perpetual maintenance.

Section 419 Communications Tower or Antennae, Commercial

Section 419.1. Located on existing structures, including building rooftops, water tanks, or existing towers.

Section 419.2. Building mounted Communications Antennas shall not be located on any residential dwelling unit.

Section 419.3. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Building Code Official for compliance with Foster Township's Building Code and other applicable law.

Section 419.4. The provider proposing to co-locate antennas shall provide written certification from a Professional Engineer, licensed in PA, stating that the installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

Section 419.5. Communications Antennae located on existing structures shall be permitted to exceed the height limitation of the applicable zoning district by no more than 20 feet.

Section 419.6. Co-located antennas shall meet all applicable building codes and other regulations of the Township's Zoning Ordinance.

Section 419.7. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Section 419.8. See light and glare standards in Section 511.

Section 420 Communications Tower or Antennae, Commercial, new.

Section 420.1.1. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure, or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

Section 420.1.1.1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

Section 420.1.1.2. The proposed antennas and related equipment would cause radio frequency interference with other

existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

Section 420.1.1.3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

Section 420.1.1.4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Section 420.1.1.5. A commercially reasonable agreement could not be reached with the owners of such structures.

Section 420.1.2. The applicant shall provide written certification from a Professional Engineer licensed in the state of Pennsylvania stating that the communications tower/antennae will: 1) meet the requirements of the latest BOCA Building Code for wind resistance and strength of construction and 2) will be engineered to fall on the same lot if the structure would fail.

Section 420.1.3. A commercial communications tower shall have a maximum height of 250 feet.

Section 420.1.4. The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of eight feet.

Section 420.1.5. Access shall be provided to the communications tower by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten feet with a dust-free, all weather surface for its entire length.

Section 420.1.6. Any freestanding tower that is higher than 50 feet and is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by evergreen screening or preserved woods meeting the requirements of Section 803.4.

Section 420.1.7. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such 12-month period.

Section 420.1.8. One off-street parking space shall be provided within the fenced area.

Section 420.1.9. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address, and emergency telephone number for the operation of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

Section 420.1.10. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located with a fence enclosure.

Section 420.1.11. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Section 420.1.12. See light and glare standards in Section 511.

Section 421 Community Center, Library.

Section 421.1. Minimum lot area of 20,000 square feet.

Section 421.2. All parking, interior driveways, except necessary entrance/exit drives, shall be set back a minimum of 50 feet from all residential lot lines, and 25 feet from all other lot lines. All buildings shall be set back a minimum of 25 feet from all lot lines.

Section 422 Composting

As a principal or accessory use.

Section 422.1. On a lot of less than five acres, composting shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves, and vegetable waste, and shall not include animal wastes or fats.

Section 422.2. Composting shall only be conducted in ways that fire, rodent or disease-carrying insect hazards or noxious odors are not created.

Section 422.3. Composting of manure shall be setback a minimum of 150 feet from any dwelling on an adjacent lot and be located and graded to prevent manure from being washed into a creek, lake, or river by storm water.

Section 422.4. See the guidelines of the Pennsylvania State University Cooperative Extension Service concerning manure management.

Section 422.5. Compost shall be kept free of other garbage.

Section 422.6. The following regulations shall apply to composting on a bulk commercial basis that involves manure being brought onto a site from land owned or leased by other persons:

Section 422.6.1. The provisions of this Section shall not apply to composting involving materials such as manure generated on-site or generated on property owned or leased by the same person.

Section 422.6.2. The applicant shall prove to the satisfaction of the Township Supervisors that:

Section 422.6.2.1. Sufficient setbacks, screening, siting, methods, and structures will be used to reasonably ensure compatibility with neighboring properties, including minimizing odors off the site; and

Section 422.6.2.2. Sufficient measures will be used to protect water quality.

Section 422.6.3. Minimum lot area - 50 acres.

Section 422.6.4. Minimum setback for structures or areas used for the production or storage of compost from:

Section 422.6.4.1. Lot lines of dwellings with different owners than the owner of the composting use - 600 feet.

Section 422.6.4.2. Other exterior lot lines and the centerlines of creeks - 300 feet.

Section 422.6.4.3. Compost shall not be bulk stored or leveled within 100 feet of wells, lakes, rivers, or creeks or within a 100-year floodplain.

Section 422.6.5. All leachate and compost pad runoff shall be collected and properly treated.

Section 422.6.6. All compost wharves shall be constructed of an acceptable all-weather impervious surface.

Section 423 Conversion of Existing Buildings

Conversion of Existing Buildings to Result in an Increased Number of Dwelling Units, other than as permitted under accessory uses.

Section 423.1. Only single-family detached dwellings can be converted. The maximum number of dwelling units after conversion is limited to two.

Section 423.2. Minimum lot area - 5,000 square feet per dwelling unit in the R-1 District and 7,500 square feet per dwelling unit in the R-2 with approved central sewer service and public supply of water and 25,000 square feet per dwelling units in the R-2 district without approved central sewer service. All other bulk and area regulations in Section 307 shall apply.

Section 423.3. Each dwelling unit shall contain within the unit a complete kitchen, toilet, and bathing facility; shared facilities shall not be permitted.

Section 423.4. Each dwelling unit shall have a minimum habitable floor area according to the following table:

Type of Unit	Minimum Square Feet
Efficiency	400
1-bedroom	500
2-bedrooms	650
3-bedrooms	800
Each additional bedroom, den, or or recreation room	150 additional square feet

Section 423.4.1. The appearance of a single-family dwelling unit shall be maintained. For the converted structure necessary changes in the number or placement of windows to provide adequate light and air will be allowed but shall be minimized; any changes which occur shall be of one manner consistent with the architectural character of the dwelling.

Section 423.4.2. Except for parking in driveways, no parking spaces shall be located in the front yard. Parking areas shall be designed so that each vehicle has access to the street without the necessity of moving another vehicle. All newly constructed driveways and parking spaces shall be set back a minimum of five (5) feet from all property lines. Off-street parking shall be designed to be accessible from the lowest order street on which the property fronts. Except for driveway and walkway accesses, buffering shall be placed around off-street parking areas that contain three (3) or more spaces. Plant material or fences shall be used. Material used in screen plantings shall be multi-stemmed evergreen species and shall be at least three (3) feet in height when planted. The plant material shall produce a

visual screen of at least four (4) feet in height within two (2) years. Fences shall be four (4) to five (5) feet in height and shall provide a visual screen.

Section 423.4.3. Off-street parking improvements shall be provided based on the number of bedrooms per dwelling unit with two spaces for one sleeping room plus one space for each additional sleeping room. All parking areas shall also comply with Chapter 6 of this Zoning Ordinance.

Section 423.4.4. Garbage and refuse pickup and other utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the neighborhood and shall be enclosed and shielded from view by fencing, walls, or shrubbery. Planted material or fences shall meet the standards for buffering of parking areas specified above.

Section 423.4.5. Certification of adequate sewer and water services shall be provided by the applicant.

Section 423.4.6. Basement or cellar dwelling units shall be permitted only if all exterior walls of the dwelling unit are at least four feet above the average finished grade level of the adjoining ground.

Section 424 Day Care Center

As Accessory Use to a Residential Use.

Section 424.1. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit, in addition to children who are not "related" (see definition in Chapter 2) to a permanent resident of the dwelling:

Section 424.1.1. In a single-family detached dwelling with a minimum lot area of 20,000 square feet or larger and a 10 feet setback from all existing dwellings: maximum of six children.

Section 424.1.2. In any other dwelling unit: maximum of three children.

Section 424.2. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic and any needed safety improvements.

Section 424.3. Any day care center involving seven or more children shall be considered a principal use and meet the standards of Chapter 4 for such use, if permitted.

Section 424.4. The use shall be actively operated by a permanent resident of the dwelling.

Section 424.5. The building shall have smoke detectors and at least one A-B-C fire extinguisher.

Section 424.6. A minimum of 200 square feet of safe exterior play area shall be available, which preferably should be fenced.

Section 425 Day Care Center Child

As a principal use.

Section 425.1. See also day care center as an accessory use in Chapter 4.

Section 425.2. The use shall comply with any applicable county, state, and federal regulations, including having an appropriate PA. Department of Public Welfare registration certificate or license.

Section 425.3. Convenient parking spaces with the requirements of Chapter 6 shall be provided for persons delivering and waiting for children.

Section 425.4. In the R-2 District, the use shall be meet the lot and dimensional requirements as a single-family detached dwelling for the R-1 District.

Section 425.5. The use shall include adequate measures to ensure the safety of children from traffic or other nearby hazards. This shall include a secure fence around any outdoor areas routinely used for outdoor play to separate the areas from abutting streets or other attractive nuisances or hazards on adjoining lots.

Section 425.6. Outside play areas shall be limited to use between 8:00 a.m. and 8:00 p.m. if located within 200 feet of an abutting dwelling.

Section 425.7. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the lot line of an abutting existing occupied dwelling.

Section 425.8. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.

Section 425.9. A day care center may occur in a building that also includes permitted or non-conforming dwelling units.

Section 425.10. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.

Section 426 Dry Cleaners, Laundries and Laundromats

Section 426.1. All activities shall be conducted within a completely enclosed building;

Section 426.2. All windows and doors or walls facing adjoining residential zones shall be kept closed;

Section 426.3. Self-service laundromats shall require one off-street parking space for each two (2) washing machines; other laundry related uses shall provide one off street parking space for each four hundred (400) square feet of gross floor area.

Section 426.4. Laundry and dry-cleaning establishments shall be intended for personal use only.

Section 426.5. Any exhaust ventilation equipment shall be directed away from adjoining residentially zoned or used property

Section 427 Farm-Related Business

(See definition in Chapter 2; See also Home Occupation below)

Section 427.1. A zoning permit shall be required for a Farm-Related Business. A site plan is not required unless there would be a new building, building expansion, new driveway, or new parking lot.

Section 427.2. Minimum lot area - 10 acres.

Section 427.3. A farm-related business shall be conducted completely indoors and may only be within a principal or accessory building that existed at the time of adoption of this Ordinance. The total amount of floor area of all buildings used for a farm-related business shall not be greater than 2,000 square feet of total floor area.

Section 427.4. No industrial operations shall occur outdoors.

Section 427.5. Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except for uno-illuminated 1 sign with a maximum sign area of 4 square feet on each of 2 sides and a maximum height of 8 feet.

Section 427.6. Truck Traffic. The use shall not require the parking of, storage of, or regular servicing by a tractor-trailer truck, except for a single truck used by a resident of the dwelling as an over-the-road driver as a primary occupation, and except for trucks clearly servicing an agricultural use.

Section 427.7. The use shall clearly be accessory to the principal use of the lot (such as agriculture or a dwelling). Use permitted as a farm-related business include the following and use that the Board of Supervisors determines are closely similar: farm equipment and auto repair, light welding, sale of seed, barber/beauty shop, music or art instruction, small engine repair, woodworking or custom cabinetmaking, custom blacksmithing, boarding of up to 2 horses (see stable, non-household for more horses), sharpening service, light processing of locally produced agricultural products, installation of automobile accessories (other than

spray painting), veterinarian office, indoor warehousing, and sale of manure or compost routinely produced on-site as part of a farming operation.

Section 427.8. The following uses shall not be permitted as a farm-related business: kennel, funeral home, retail sales other than types specifically stated as permitted, restaurant, or trucking company terminal. (See also uses permitted as a home occupation.)

Section 427.9. The use shall also comply with all environmental and nuisance control regulations of this Ordinance including Chapter 5.

Section 427.10. Parking and Loading. The lot shall include sufficient off-street parking for the maximum number of vehicles on-site at one time, plus parking for the dwelling unit.

Section 427.10.1. If 5 or more vehicles are expected to be parked within 50 feet of an abutting dwelling, then such parking spaces shall be screened by evergreen plants meeting the requirements of Section 803.

Section 427.10.2. For any motor vehicle repair operation, a maximum of 4 vehicles may be parked on-site or on an adjacent street, other than vehicles owned by the operation of the use.

Section 427.10.3. A defined driveway shall be provided and shall be shown on the site plan. The applicant shall prove that such driveway has adequate site distance.

Section 427.10.4. No motor vehicle that is not owned or leased by the operator of the use shall be on-site longer than 6 moths in such a way as to be visible from a public street or a dwelling on another lot.

Section 427.10.5. The applicant shall show that there is a safe location available for any needed deliveries, which shall be located off of the cartway of a public street.

Section 427.11. Building Appearance. The exterior of a residential building or barn as viewed from a public street or dwelling on an adjacent lot shall not be changed in such a way as to decrease its residential or barn appearance, except for permitted parking spaces and the permitted sign. A farm-related business shall not have an industrial appearance as viewed from a public street or dwelling on an adjacent lot.

Section 427.12. Hours. A farm-related business shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 10 p.m. and

5 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.

Section 427.13. Hazardous Substances. The use shall not involve the storage or use of hazardous, flammable, or explosive substance, other than types and amounts commonly found in a dwelling or farm building.

Section 427.14. Number of Employees. A total maximum of 3 persons who are not permanent residents of the lot shall work on the premises at one time.

Section 427.15. An applicant of conditional use approval shall deliver or mail to all owners of record of adjacent dwellings a photocopy of the zoning application and a statement of the date, time, and place of the meeting at which the application is intended to be reviewed by the Board of Supervisors. Such information shall be mailed or delivered a minimum of 7 days before such meeting.

Section 427.16. Leasing. If a property-owner resides on the lot, then that owner may lease a barn on the lot for an approved farm-related business. If the owner, however, does not reside on the lot, then the barn cannot be leased separately from any dwelling on the site (except for agricultural uses or household storage).

Section 427.17. A farm-related business cannot be combined on the same lot with a home occupation. If a farm-related business is also regulated as a principal use, and if any additional standards apply to such principal use in Chapter 4, then the farm-related business shall also be required to meet those standards in Section 427.

Section 428 Fences and Walls.

Section 428.1. Fences and walls are permitted by right in all districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.

Section 428.2. Sight Distance, Stormwater and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of Section 803.3. No fence or wall shall obstruct the flow of stormwater, except as part of a Township approved stormwater system.

Section 428.3. Fences.

Section 428.3.1. Front Yard. Any fence located in the required front yard of a lot in a residential district shall have a minimum ratio of 1:1 of open to structural areas (such as a picket fence, split rail fence or chain link fence).

Section 428.3.2. A fence shall not be required to comply with minimum setbacks for accessory structures.

Section 428.3.3. Height. A fence in a residential district that is within ten feet of a residential lot and that is not within a required front yard shall have a maximum height of seven feet, except:

Section 428.3.3.1. A maximum of height of ten feet is permitted to enclose a tennis or racquet sport court or a non-household swimming pool or an electric substation provided that such fence is setback a minimum of ten feet from all lot lines; or

Section 428.3.3.2. If an applicant clearly proves in writing to the satisfaction of the Zoning Officer that a higher fence is needed to protect public safety around a specific hazard.

Section 428.3.3.3. If one side of a fence includes posts or supports, those posts or supports shall be placed on the interior of the fence, as opposed to facing onto a street or another lot.

Section 428.3.3.4. If a fence is finished only on one side, the finished side shall face outward away from the lot or parcel upon which it is located.

Section 428.4. Setbacks. A fence may be constructed on a lot line, except: a) a fence shall not be placed within a street right-of-way; and b) a fence of a business shall be setback a minimum of five feet from the abutting lot line of an existing dwelling or an undeveloped residentially zoned lot. Homeowners are encouraged but not required to setback fences at least two feet from an abutting lot line in order to allow for maintenance over the long-term.

Section 428.5. Fence materials.

Section 428.5.1. Barbed wire shall not be used as part of fences around dwellings.

Section 428.5.2. A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks, or barrels.

Section 428.6. Walls.

Section 428.6.1. Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section and are permitted by-right as needed in all Districts. Walls shall be designed by a Professional Engineer, licensed in PA

Section 428.6.2. In a residential district, a freestanding wall (other than a necessary retaining wall) shall have:

Section 428.6.2.1. A maximum height greater than four feet within a required front yard or is within ten feet of a lot line other than a required front yard; and

Section 428.6.2.2. Seven feet in other locations.

Section 429 Funeral Home.

Section 429.1. On a zoning lot having a minimum of seventy-five hundred (7,500) square feet plus three hundred (300) square feet for each chapel.

Section 429.2. The prescribed yard, lot width, and height requirements for a single-family dwelling are met in the R-1 District.

Section 429.3. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations.

Section 429.4. There shall be no crematory, receiving vault, preparation room, or display of merchandise or advertising visible from outside the main or accessory building.

Section 429.5. There shall be no loading or unloading of merchandise or bodies of deceased persons on public property.

Section 429.6. There shall be no parking or standing of motor vehicles on public property.

Section 429.7. No funeral procession will be allowed to form on public streets.

Section 429.8. The scale of business in relationship to the character of uses around the particular location will be such as not to be detrimental to, or alter the character of, the neighborhood.

Section 430 Golf Course.

Section 430.1. The course shall be designed so that golf balls are unlikely to enter public streets or property that is not part of the golf course.

Section 430.2. A clubhouse, retail sales of golf supplies and/or restaurant may be permitted as accessory uses. Any building shall be setback a minimum of 250 feet from any "residential lot line".

Section 430.3. Minimum lot area- 40 acres.

Section 430.4. Any outdoor lighting shall be located and designed in such a way that it does not generate more light onto residential properties than what is customary in a residential neighborhood.

Section 430.5. Maximum building coverage- three percent.

Section 430.6. Maximum impervious coverage- ten percent.

Section 430.7. Fairways and greens shall be setback a minimum of 40 feet from the lot line of any existing dwelling.

Section 430.8. A golf course may include a driving range, if the area occupied by the users is setback a minimum of 250 feet from any "residential lot line".

Section 431 Groundwater or Spring Water Withdrawal.

Section 431.1. Involving removal of an averaging of more than 100,000 gallons per day from a lot for off-site consumption. (Note – If the water is being utilized for uses on adjacent lots or as part of a public water system, it shall not be considered off-site consumption.)

Section 431.2. The provisions of this subsection are not intended to prohibit the actual water withdrawal, but instead to address related uses and activities. The regulations of this subsection shall not apply to water used by a principal agricultural use within the County.

Section 431.3. If the water will be trucked off-site, the applicant shall provide a written report by a Professional Engineer, licensed in PA, with substantial experience in traffic engineering. Such report shall only be required to address the suitability of the public road/street system to handle the resulting truck traffic.

Section 431.4. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent residential lot.

Section 432 Group Home.

Section 432.1. See definition in Chapter 2.

Section 432.2. Supervision. There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

Section 432.3. Certification. The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Township and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

Section 432.4. Registration. The group home shall register its location, general type of treatment/ care, maximum number of residents and sponsoring agency with the Township. Such information shall be available for public review upon request.

Section 432.5. Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three nonresidents per day.

Section 432.6. The use shall not meet the definition in Chapter 2 of a "treatment center" or "halfway house" A group home shall not house persons who can reasonably be considered to be a physical threat to others.

Section 433 Heavy Equipment Sales, Service and/or Repair Facilities

Section 433.1. Within the (I-2) Zone, heavy equipment sales, service and/or repair service facilities are permitted by right, subject to the following criteria:

Section 433.1.1. All service and/or repair activities shall be conducted within a completely enclosed building.

Section 433.1.2. All exterior storage and/or display areas shall be screened from adjoining land within the (R-1), (R-2), and (V-C) Zones. All exterior storage/display areas shall be set back at least fifty feet (50') from adjoining street lines and shall be covered in an all-weather, dust free surface.

Section 433.1.3. The storage of junked vehicles, boats, machinery, trucks, trailers, manufactured houses, and heavy equipment vehicles on the property is prohibited.

Section 433.1.4. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining land within the (R-1), (R-2), and (V-C) Zones.

Section 433.1.5. All vehicles shall be repaired and removed promptly from the premises.

Section 433.2. The applicant shall furnish evidence that the storage and disposal of all materials will be accomplished in a manner that complies with State and Federal regulations.

Section 434 Heliport.

Section 434.1. Minimum lot area - 15 acres.

Section 434.2. The site and its design shall be approved by the PA. Bureau of Aviation and the Federal Aviation Administration.

Section 434.3. The proposed expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.

Section 434.4. The landing pad shall be a minimum of 300 feet from the lot line of any existing dwelling which the applicant for heliport does not own or have an

agreement of sale. Any portion of a heliport shall be 100 feet from any other lot line.

Section 434.5. Conditions. The Township Supervisors, with advice by the Planning Agency, may place such necessary and reasonable conditions on the use to carry out the objectives of this Zoning Ordinance. These include limiting the types and sizes of aircraft, office hours of operations, the numbers of flights and the general direction of approach. However, such board shall not place any conditions on the use that will seriously interfere with the safety of the operations.

Section 435 Home Gardening, Nurseries and Greenhouses.

Section 435.1. Home gardening and accessory structures, used for nurseries or as greenhouses, are permitted in residential areas provided they are used by the residents for non-commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies.

Section 436 Home Improvement and Building Supply Center

Section 436.1. If the subject property contains more than two (2) acres, it shall front along an arterial or collector road;

Section 436.2. The retail sales area shall be all areas open for public display, including but not limited to shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above;

Section 436.3. Off-street parking shall be provided at the rate of one space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;

Section 436.4. All exterior retail sales areas shall include a dust-free surface.

Section 436.5. All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining residential properties

Section 436.6. The applicant shall furnish expert evidence that any exterior amplified public address system and/or exterior lighting has been arranged and designed so as to prevent objectionable impact off the site.

Section 436.7. Any drilling, cutting, sawing, mixing, crushing or other preparation of building materials, shall be conducted within a completely enclosed building.

Section 437 Home Occupation, General or Light. (see definitions in Chapter 2; see also Farm-Related Business above)

Section 437.1.1. A home occupation shall be conducted completely indoors and may be within a principal or accessory building. The total

amount of floor area of all buildings used for a home occupation shall not be greater than 25 percent of the total floor area of the principal dwelling unit.

Section 437.1.2. There shall be no outdoors operations or outdoors storage of materials, products, or equipment.

Section 437.1.3. Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except for non-illuminated one sign with a maximum sign area of 1-1/2 square feet on each of two sides and a maximum height of eight feet.

Section 437.1.4. Truck Traffic. The use shall not require the parking of, storage of or regular servicing by a vehicle with an aggregate gross vehicle weight of more than 12,000 pounds, except for: 1) One vehicle used by a resident whose primary occupation is as an over-the-road driver of such vehicle; or 2) Trucks clearly serving a permitted agricultural use.

Section 437.1.5. Uses permitted as a home occupation include, but are not limited to art studio, office, custom sewing, tax preparation or musical instruction.

Section 437.1.6. The following uses shall not be permitted as a home occupation: veterinarian office on a lot of less than three acres, stable, kennel, funeral home, industrial uses (other than custom crafts and sewing), wholesale or retail sales on the premises (except as accessory to custom crafts and except for sales over the phone or through the mail), restaurant, outdoor repairs of motor vehicles (other than farm equipment) or trucking company terminal, machinery repair or manufacturing.

Section 437.1.7. Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby, domestic or sewing purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.

Section 437.1.8. The use shall also comply with all environmental and nuisance control regulations of this Zoning Ordinance, including Chapter 5.

Section 437.1.9. Parking and Loading. The lot shall include sufficient parking for the maximum number of vehicles on-site at one time, plus

parking for the dwelling unit. A defined driveway shall be provided and shall be shown on the site plan. The applicant shall prove that the driveway provides for safe sight distance.

Section 437.1.9.1. If five or more vehicles are expected to be parked within 50 feet of an abutting dwelling, then such parking spaces shall be screened by evergreen plants meeting the requirements of Section 803.

Section 437.1.9.2. The applicant shall show that there is a safe location available as needed for any deliveries, which shall be located off of the cartway of a public street.

Section 437.1.9.3. For any vehicle repair operation, a maximum of two vehicles may be parked on-site or on an adjacent street, other than vehicles owned by the operator of the use.

Section 437.1.10. Building Appearance. The exterior of a previously residential building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.

Section 437.1.11. Hours. A home occupation shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 9 p.m. and 7 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.

Section 437.1.12. Hazardous Substances. The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts commonly found in a dwelling.

Section 437.1.13. Advertising. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.

Section 437.1.14. Number of Employees. A total maximum number of two persons * who are not permanent residents of the dwelling may work on the premises at one time, except for a use that only involves clerical, administrative or office-type activities, the above maximum of two persons may be increased to four persons, provided that the applicant proves to the Township Supervisors that the use will not cause adverse impacts upon neighbors, such as high amounts of traffic.

* Except a barber or beauty shop shall not employ any non-residents. The maximum number of employees shall not apply to persons accomplishing clearly agricultural work.

Section 437.1.15. Instruction - Any instruction or tutoring shall be limited to a maximum of four students on the property at any one time.

Section 437.1.16. An applicant for conditional use approval shall deliver or mail to all owners of record of adjacent dwellings a photocopy of the zoning application and a statement of the date, time, and place of the meeting at which the application is intended to be reviewed by the Township Supervisors. The information shall be mailed or delivered a minimum of seven days before the meeting.

Section 437.1.17. A permit shall be required for any home occupation. In most cases, Section 307 also requires conditional use approval for a home occupation. If the type of a home occupation changes, a new approval shall be needed.

Section 437.1.18. No new buildings shall be constructed to accommodate a home occupation.

Section 437.1.19. Driveway entrances for a home occupation shall have a maximum width of ten feet unless a wider width is required by PENNDOT or the Township. The applicant shall prove that any driveway for a general home occupation will meet the PENNDOT minimum sight distance requirements that would apply as if a new driveway would be proposed onto a State Road. The sight distance shall consider where parking would be possible.

Section 437.1.20. If a Home Occupation is also regulated as a principal use, and if any additional standards apply to such principal use in Chapter 4 then the Home Occupation Business shall also be required to meet those standards in Chapter 4.

Section 438 Hospitals

Section 438.1. The facility operator shall meet all state and federal rules and regulations for health-care facilities.

Section 438.2. All applicants shall provide evidence that the hospital will be conducted in a manner that will not be detrimental to neighboring property owners.

Section 438.3. Minimum lot area: five acres

Section 438.4. Minimum street frontage: 300 feet

Section 438.5. Public sewer and public water shall be used

Section 438.6. The subject property shall have frontage along an arterial or collector street

Section 438.7. All height, area, setback, and coverage standards within the underlying district shall apply.

Section 438.8. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned or utilized properties.

Section 438.9. Whether or not located on a State highway, applicants are to use the guidelines and policies outlined in PennDOT Publication 282, Highway Occupancy Permit Operations Manual, to project future traffic volumes and demonstrate that appropriate mitigation measures can be implemented so that level of service is not degraded. The study area of the traffic analysis shall be determined in cooperation with PennDOT, the municipality, and applicable Metropolitan Planning Organization (MPO) as appropriate.

Section 438.10. The institution shall submit a copy of its Emergency Operations Plan (EOP) to the Foster Township Emergency Management Agency Coordinator. The EOP shall include detailed information regarding solid, medical, and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations.

Section 439 Hotel/Motel.

Section 439.1. Recreational facilities limited to overnight guests and a standard restaurant may be permitted accessory uses to a hotel or motel.

Section 439.2. See definition in Chapter 2, which distinguishes between a hotel/motel and a boarding house.

Section 439.3. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

Section 440 Industrial/Business Park.

Section 440.1. An Industrial/Business Park shall contain a minimum of 100 contiguous acres of land and must be controlled by one or more landowners under unified control at the time of application. Contiguous lands are those that abut each other or are separated only by streets or roads (public or private, including limited access highways), ways, easements, pipelines, electric power lines, public open space, conduits, or right-of-way, owned in fee or less than fee, by third parties. The

following areas shall not be considered as part of the minimum acreage: 50 percent of areas with natural slopes greater than 15 percent, 75 percent of areas within the 100-year floodplain as defined by Federal floodplain maps, and 50 percent of areas within rights-of-ways or easements.

Section 440.2. An Industrial/Business Park shall have direct access to a State or Federal highway, or a road identified as an arterial road on the Schuylkill County Official Map, or a road identified as an arterial road by the Foster Township Comprehensive Plan.

Section 440.3. At least the first 50 feet of Industrial/Business Parks adjacent to any exterior street line or property line shall not be used for buildings, parking and loading areas and except for access driveways, the area shall be planted and maintained in lawn area and landscaping.

Section 440.4. All buildings, signs, walkways, lighting fixtures, landscaping, etc. shall be compatibly designed whether constructed all at one time or in stages over a period of time.

Section 440.5. All uses in the I-1 District, which are expressly permitted, are permitted in an Industrial/Business Park. The permitted use shall include warehousing and wholesale trade establishments in pursuant to Chapter 11 of this ordinance. If there are any inconsistencies between this section and Chapter 11, Chapter 11 rules and regulations shall apply. In addition, the commercial uses listed below may be established, provided that the acreage dedicated to commercial uses does not exceed ten percent of the acreage of the Industrial/Business Park. When the Industrial/Business Park is phased, the maximum acreage for commercial uses shall not exceed ten percent of the acreage developed for industrial uses so that in no event shall commercial uses exceed ten percent of the total area developed for permitted industrial uses. All lots with commercial uses shall be located no more than 1,000 feet from the entranceway of the Industrial/Business Park.

Section 440.5.1. Retail stores;

Section 440.5.2. Financial institutions;

Section 440.5.3. Medical/Dental Office;

Section 440.5.4. Personal Services.

Section 440.5.5. Motel, Hotel, or Inn

Section 440.6. Development of an Industrial/Business Park shall be in agreement with the Table of Lot and Setback Requirements provided in Section 307 of this Ordinance except that maximum building height may be increased to 50 ft./4

stories, maximum building coverage may be increased to 60 percent, and maximum impervious coverage may be increased to 90 percent.

Section 440.7. Relation to Zoning, Subdivision, and Land Development Requirements. An application for and tentative and final approval of a development plan for an Industrial/Business Park prescribed in this Section shall be in lieu of all other procedures or approvals otherwise required pursuant to this Zoning Ordinance.

Section 440.8. Review Procedures. An application for tentative approval of the development plan for an Industrial/Business Park shall be filed with the Zoning Officer and shall include the following;

Section 440.9. Identification of resources associated with the natural environment of the tract, including geology, topography, soils, hydrology, and vegetation. These features shall be mapped at a scale of no smaller than one-inch equals 100 feet and shall be briefly described. The maps shall include:

Section 440.10. Topographic contours at ten-foot intervals, showing rock outcrops and slopes of more than 15 percent;

Section 440.11. Soil type locations and a table identifying soil characteristics relating to agricultural capability, seasonal high-water table, depth to bedrock, and suitability for on-site disposal systems, as per the Schuylkill County Soil Survey;

Section 440.12. Hydrologic characteristics of the site, including surface water bodies, floodplains, and hydric soils; and

Section 440.13. Vegetation of the site, defining locations and boundaries of woodland areas and vegetation associations in terms of species and size.

Section 440.14. Land Use. Current land use and land cover (cultivated areas, paved areas, pastures, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.

Section 440.15. Context. General outlines of buildings, land use, and natural features such as water bodies or wooded areas, road, and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no smaller than on inch equals 400 feet.

Section 440.16. Traffic Circulation Plan indicating all existing and proposed arterial or major collector streets, typical road cross sections and critical elevations and grades. The plan shall indicate how the overall collector road network relates to the terrain, the overall design of the planned development and the road network of the Township.

Section 440.17. Utility Plan indicating existing and proposed sewer and water lines, pump stations, wells, and documentation from respective utility companies as to the feasibility and availability of connections to electric, gas and telephone facilities. The plan shall also indicate:

Section 440.18. Alignment, general grades, and basic design of major elements of sanitary sewer collection system and documentation from appropriate agency to confirm feasibility of serving and capacity for all areas of the project requiring sewers.

Section 440.19. Alignment and basic design of major elements of water distribution system and documentation from appropriate agency to confirm feasibility of providing potable water supply and fire protection to all areas of project requiring service.

Section 440.20. Drainage Plan indicating the proposed method of controlling and draining storm water on and from the site and including supportive calculations. Additionally, a conceptual description of the intended Soil Erosion and Sediment Control Plan shall be submitted. The plan shall also indicate for storm drainage:

> **Section 440.20.1.** Alignment, general grades, and basic design of major elements of collection system to confirm feasibility of handling runoff from all areas of project.
>
> **Section 440.20.2.** Flood elevations on major drainage channels indicating anticipated flood levels for 25 and 50-year storms
>
> **Section 440.20.3.** Existing general grade of areas surrounding project to determine impact on on-site and off-site drainage.
>
> **Section 440.20.4.** Description of any off-tract drainage improvements necessitated by the planned development and a general schedule for their implementation.

Section 440.21. A Landscaping Plan shall be provided for all Industrial/Business Parks. Landscaping shall be integrated into building arrangement, topography, parking, and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, and the use of building and paving materials in an imaginative and aesthetic manner. All plant material shall be guaranteed by the developer for two years.

> **Section 440.21.1.** In the case of development plans for Industrial/Business Parks that contemplate a phased development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned

Industrial/Business Park are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the Industrial/Business Park is completed.

Section 440.22. Review by County Planning Department. Once the Zoning Officer determines that an application for tentative approval is complete, he shall forward such application to the Schuylkill County Planning Department for review and comment. Comments shall be submitted to the Zoning Officer within 30 days after the date of the transmittal requesting review.

Section 440.23. Review

Section 440.23.1. Within 60 days after the filing of an application for tentative approval of an Industrial/Business Park development, the Township Supervisors shall conduct a public hearing on such application after giving public notice.

Section 440.24. Action by Township Supervisors. Within 60 days following submission of the completed application the Township Supervisors shall, by official written communication to the applicant, either:

Section 440.24.1. Grant tentative approval of the development plan as submitted;

Section 440.24.2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

Section 440.24.3. Deny tentative approval to the development plan.

Section 440.25. Failure to do so within said period shall be deemed to be a grant of tentative approval of the development plan as submitted.

Section 440.26. Refusal of Conditions. In the event that tentative approval is granted subject to conditions, the applicant may, within 30 days after receiving a copy of the official written communication of the Township Supervisors notify the Township Supervisors of his refusal to accept all said conditions, in which case the Township Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Township Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

Section 440.27. Findings of Fact and Conclusions. The grant of denial of tentative approval by written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial. The written

communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

Section 440.27.1. The extent to which the development conforms to the standards provided by this Section;

Section 440.27.2. The extent to which the development plan is or is not consistent with the Comprehensive Plan for the development of Foster Township;

Section 440.27.3. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use and the reasons why such departures are not deemed to be in the public interest;

Section 440.27.4. The physical design of the development plan, including the adequacy of public services, vehicular and pedestrian traffic circulation, and landscaping;

Section 440.27.5. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the occupants the Industrial/Business Park, including the time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve months.

Section 440.28. Effect of Tentative Approval.

Section 440.28.1. The official written communication provided for in Section 440.27 above, shall be certified by the Township Secretary and filed in the Township Clerk's office. A certified copy shall be mailed to the applicant.

Section 440.28.2. Tentative approval of a development plan shall not qualify a plat of the Industrial/Business Park for recording or authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been give tentative approval with conditions which have been accepted by the applicant, and provided that the applicant has not defaulted or violated any of the conditions of the tentative approval, shall not be modified or revoked

without the consent of the applicant, provided an application for final approval is filed within the periods of time specified in the official written communication granting tentative approval.

Section 440.29. Revocation of Tentative Approval. Tentative approval of a development plan shall be deemed to be revoked if prior to final approval, the applicant elects to abandon the development plan and so notifies the Township Supervisors in writing, or the applicant fails to file for final approval within the required period.

Section 440.30. Application for Final Approval. An application for final approval may be for all the land included in an Industrial/Business Park, or to the extent set forth in the tentative approval, for a section thereof. An application for final approval shall be made to the Zoning Officer and shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified for final land development approval under the *Foster Township Subdivision and Land Development Ordinance* as well as any conditions set forth in the official written communication granting tentative approval.

Section 440.31. Action by the Township Supervisors. In the event the application for final approval has been filed, together with all drawings, specifications and other documents required by this Section and the official written communication of tentative approval, the Township shall, within 45 days of such filing, grant such development plan final approval. In the event the development plan contains variations from the development plan given tentative approval, the Township Supervisors may refuse to grant final approval. Within 45 days from the filing of the application for final approval, the Planning Commission shall advise the applicant in writing of the refusal, setting forth the reasons why one or more of said variations are not in the public interest.

Section 440.32. Refile Application if Final Approval Denied. In the event final approval is refused, the landowner may:

Section 440.32.1. Refile his application for final approval without the objectionable variations; or

Section 440.32.2. File a written request with the approving body that it hold a public hearing on his application for final approval.

Section 440.32.3. If the applicant wishes to take either such alternate action, he may do so at any time within the time limit for applying for final approval, or within 30 additional days if this time limit has already passed when the applicant was advised that the development was not in substantial

compliance. In the event the landowner fails to take either of these actions within said time, he shall be deemed to have abandoned the development plan.

Section 440.33. Recording of Development Plan After Final Approval. A development plan or any part thereof, which has been given final approval shall be certified without delay by the Governing Body and shall be filed in the Office of the Recorder of Deeds before any development shall take place. Upon the filing of the development plan, no subsequent change or amendment in the zoning or subdivision regulations shall be applied to the approved development within five (5) years of the date of final approval that would adversely affect the right of the applicant to commence and complete any aspect of the approved plan in accordance with the terms of such approval. Upon approval of a final plat, the developer shall record the plat and post financial security in accordance with the provisions of the *Foster Township Subdivision and Land Development Ordinance*.

Section 440.34. Enforcement and Modification of Development Plan as Finally Approved.

Section 440.34.1. The enforcement and modification of any provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall run in favor of the Township, except as expressly provided otherwise in the development plan for the Industrial/Business Park.

Section 440.34.2. The provisions shall run in favor of the occupants/tenants of the Industrial/Business Park only to the extent expressly provided in the final development plan. Said provisions may be enforced by occupants/tenants acting individually or through an organization designated in the final development plan to act on their behalf. Occupants/tenants of the Industrial/Business Park may, to the extent expressly authorized in the final development plan, modify, remove, or release their rights to enforce the plan, but this shall not affect the right of the Township to enforce the plan.

Section 440.34.3. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed, or released by the Township, except grants or easements relating to the service or equipment of a public utility, following a public hearing and upon a finding by the Township Supervisors that the modifications are consistent with the efficient development and preservation of the entire Industrial/Business Park, do not adversely affect either the enjoyment of land abutting upon or across the street from the

Industrial/Business Park or the public interest, and are not granted solely to confer a special benefit upon any person.

Section 441 Junk Yard (includes automobile salvage yard).

Section 441.1. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.

Section 441.2. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line; and b) 50 feet from any other lot line and the existing right-of-way of any public street.

Section 441.3. The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.

Section 441.4. Outdoor storage shall be completely surrounded (except at approved driveway entrances) by a 40-foot-wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

Section 441.5. Burning or incineration of vehicles or junk is prohibited.

Section 441.6. See the noise or dust regulations of Chapter 5.

Section 441.7. All gasoline and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and safely stored in a suitable area on an impervious, properly drained surface.

Section 441.8. Lot area - three acres minimum; 20 acres maximum.

Section 441.9. Tires - see the "Outdoor Storage and Display" standards in Section 455.

Section 442 Kennel.

Section 442.1. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."

Section 442.2. Buildings shall be adequately soundproofed so that sounds generated within, the buildings cannot routinely be heard within any adjacent dwelling.

Section 442.3. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 300 feet of an existing dwelling. Runs for dogs shall be

separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

Section 442.4. See State law regulating kennels.

Section 442.5. A kennel may be used for breeding;

Section 442.6. minimum lot area - ten acres;

Section 443 Livestock, Intensive Raising of

Section 443.1. Minimum lot area - 10 acres.

Section 443.2. Any structure used for the intensive raising of livestock or any dry lot feed farming station or any related indoor or outdoor manure bulk storage areas shall be located a minimum of 250 feet from the lot lines of existing dwellings * or undeveloped residentially zoned lots of less than 10 acres, * and a minimum of 150 feet from all other exterior lot lines.

Section 443.3. Any existing structure used for the intensive raising of livestock shall be located minimum of 200 feet from the lot lines of existing dwellings * and undeveloped residential lots of less than 10 acres. *

* Except such setback shall not apply from a dwelling or lot owned by the same owner as the livestock use or owned by a relative who provides a written and signed release.

Section 443.4. Composting - See Chapter 4.

Section 443.5. See the State Right-to-Farm Act regarding nuisances.

Section 443.6. The applicant shall describe in writing and use adequate methods for manure storage and handling. A general guide should be publications of Pennsylvania State University Cooperative Extension.

Section 443.7. The following additional regulations shall apply to garbage-fed livestock:

Section 443.8. All feeding of garbage shall occur over concrete or similar smooth impervious surface.

Section 443.9. The amount of garbage set out for the livestock shall be limited to what the livestock can reasonably be expected to eat until the next feeding;

Section 443.10. All storage of garbage for feed shall be under cover and within an enclosed building, silos or similar storage;

Section 443.11. When being fed to livestock, the garbage shall be placed in troughs or bunkers designed to prevent spillage. The livestock shall be prevented from stepping in the troughs or bunkers.

Section 443.12. Any raising of garbage-fed livestock shall required conditional use approval. Such approval may be suspended by the Board of Supervisors if significant nuisances are created.

Section 443.13. For the purposes of this subsection, garbage shall not include:

Section 443.14. Solid waste clearly generated on that farm, or brewers grain, cannery waste, apple pumice, mushroom stumps, or similar edible waste of a food or beverage manufacturer.

Section 444 Medical Marijuana Facilities, Includes Dispensary.

Section 444.1. See requirements found under Chapter 12 Medical Marijuana Facilities.

Section 445 Membership Club.

Section 445.1. Any such use shall front on a public street having a minimum pavement width of not less than thirty (30) feet and shall provide ingress and egress so as not to minimize traffic congestion.

Section 445.2. Such uses shall not be located on lots less than one acre.

Section 445.3. All parking, interior driveways (except necessary entrance/exit drives), developed recreation areas, buildings and similar activity areas shall be setback a minimum of 150 feet from any other lot lines. Any existing healthy trees within such setbacks shall be preserved, except at needed perpendicular crossings.

Section 446 Mineral Extraction.

Section 446.1. The following Mineral Extraction provisions shall not apply to routine removal of material from a site (such as shale) for use as fill of land.

Section 446.2. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive future use.

Section 446.3. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This yard shall include an earth berm averaging a minimum of six feet in height and an average of one shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence and shall meet the size and type requirements of Section 603.

Section 446.4. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner of the mineral extraction use:

Section 446.4.1. 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,

Section 446.4.2. 150 feet from a commercial or industrial building, unless released by the owner thereof,

Section 446.4.3. 250 feet from a "residential lot line", other than an abandoned dwelling,

Section 446.4.4. 150 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion,

Section 446.5. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.

Section 446.6. Fencing. The Township Supervisors may require secure fencing in locations where needed to protect public safety.

Section 446.7. Noise and Performance Standards. See Section 508.

Section 446.8. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.

Section 446.9. Hours of Operation. The Township Supervisors may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

Section 446.10. Engineering Review. The application shall be sent to the Township Engineer or an alternate Engineer appointed by Township Supervisors for a review, with the reasonable costs of such review paid by the applicant.

Section 446.11. The applicant shall also submit a copy to the Zoning Officer of all materials submitted by the applicant to State agencies regarding an application for this project. The use shall comply with all applicable State regulations as a condition of Township approvals under this Zoning Ordinance, and such Township approval may be revoked for violation of this condition.

Section 446.12. Preemption. Unless a specific preemption of this Zoning Ordinance by a State or Federal regulation or law, the most restrictive provisions

upon the applicant shall apply whenever one or more municipal, State or Federal regulations apply.

Section 446.13. Application Requirements . For any Mineral Extraction use involving a proposed excavation of more than one acre, the following shall be submitted:

Section 446.13.1. Present uses of the site.

Section 446.13.2. A scaled map, prepared by a Professional Engineer, licensed in PA, showing the locations of:

Section 446.13.2.1. The proposed area to be excavated (and maximum depth);

Section 446.13.2.2. Other land to be affected including but not limited to: I) storage sites for overburden, ii) access and haulage streets, iii) storage sites for equipment, and iv) offices and other accessory structures;

Section 446.13.2.3. Lot lines of adjacent lots, and owners and existing uses of these lots;

Section 446.13.2.4. Watercourses, bodies of water, street rights-of-way, buildings and publicly owned recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation;

Section 446.13.2.5. Any wetlands and forested areas to be removed or protected and preserved as part of the use.

Section 446.13.3. A detailed land reclamation plan of the area to be excavated, showing:

Section 446.13.3.1. Proposed reclaimed use and topography of the land following site mineral extraction;

Section 446.13.3.2. Actions to be taken during mining to conserve and replace topsoil removed during mining operations;

Section 446.13.3.3. Reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.

Section 446.14. Regulation of the Maximum Acreage Actively Used for Mineral Extraction.

Section 446.14.1. To ensure that large areas of land will be reclaimed in compliance with State and Township regulations, the Township Supervisors may establish a maximum number of acres which may be "affected by mineral extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.

Section 446.14.2. Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and that contains waste or spoil piles from existing or prior mining activities.

Section 447 Mobile/Manufactured Home on an individual lot or within a mobile/ manufactured home park.

Section 447.1. Construction. Every mobile/manufactured home shall have been constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. For safety reasons, any mobile/manufactured home not meeting such standards shall not be placed on a different lot for use as a residence in Foster Township, but such home may remain at an existing location if already habitable.

Section 447.2. Each site shall be graded to provide a stable and well-drained area.

Section 447.3. Each home shall have the hitch mechanism removed and it is also recommended, but not required, that the wheels and axles be removed and stored under the home in order to lower the home.

Section 447.4. Anchoring. The applicant for a permit to install a manufactured/mobile home shall provide written certification to the Zoning Officer that the installation of the home complies with this Zoning Ordinance. An anchoring system shall be installed that will prevent shifting or uneven settling of the home and to provide a base for installation of tie-downs. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that is recommended by the manufacturer of the home or by the manufacturing housing industry.

Section 447.4.1. The anchoring system shall consist of concrete piers, concrete footings perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (42 inches minimum). The piers or footings shall be a minimum of four inches greater in width than the concrete blocks used to support the home.

This foundation system shall be placed on approximately eight feet centers (unless another distance is specifically recommended in writing by the manufacturer) along each of the two main longitudinal frames for each section of the home, with no more than three feet overhang at each end of the section.

Section 447.4.2. One-half inch diameter by 12-inch-long eyebolts or approved equivalent unshaped bars that shall be cast in place at each comer and at two midpoints in the concrete piers, concrete footing, slab, or equivalent foundation. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.

Section 447.4.3. Each mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least four comers and two midpoints. The tie-down shall also be in accordance with the manufacturers' recommendations furnished with each home.

Section 447.4.4. Mobile homes shall not be placed more than four feet above the supporting ground area.

Section 447.5. Skirting. The space between the bottom of the home and the ground and/or home pad shall be enclosed using either:

Section 447.5.1. Industry-approved skirting material compatible with the home; or,

Section 447.5.2. If a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level to be flush or one normal step height below the first-floor elevation. If this alternative is used an access area with lower grade through the masonry wall shall be installed for service access.

Section 447.6. Homes shall have a pitched instead of a flat roof.

Section 447.7. Homes on individual lots should be located with the longest side facing any boundary public street.

Section 447.8. Permit. Each mobile home shall require a Township permit prior to placement on a site.

Section 448 Mobile/Manufactured Home Park.

Section 448.1. Any mobile/manufactured home park shall meet all requirements of the *Foster Township Subdivision and Land Development Ordinance*, except where

two provisions regulate the same matter, the more restrictive upon the applicant shall apply. Spaces for individual mobile homes within a mobile home park are required to be individually surveyed and shall require individual metes and bounds descriptions.

Section 448.2. Mobile/manufactured home parks include the development of parks planned as units which are located on tracts of land at least five acres in size. Also includes individual mobile/manufactured homes located in such parks. Such mobile/manufactured homes parks and individual mobile/manufactured homes shall comply with all of the regulations of the State of Pennsylvania for Mobile Home Parks and with the following additional regulations.

Section 448.3. Individual mobile/manufactured home lots located in a mobile/manufactured home park shall contain at least 4,000 square feet of lot area. The clustering of mobile/manufactured homes home units on a lesser sized area, to produce a livable environment, may be permitted; provided that the objectives of this Section are complied with and provided further that the overall average lot area per unit of the park shall not be less than 4,000 square feet.

Section 448.4. No mobile/manufactured home shall be located closer than 50 feet to any property line defining the external boundary of the park. This open area shall include evergreen screening meeting the requirements of Section 803 where abutting an existing single-family detached dwelling. The same area of land may count towards the setback requirements.

Section 448.5. No structure located on any lot in any mobile/manufactured home park shall be closer to any front line than 25 feet; to any side lot line than ten feet; nor to any rear lot line than 20 feet.

Section 448.6. The minimum side clearance between any two adjacent mobile/manufactured homes shall be 30 feet.

Section 448.7. Roadway or area lighting shall be reflected away from adjoining properties.

Section 448.8. The commercial sale of mobile/manufactured homes from mobile/manufactured home parks, by a mobile/manufactured home dealer, shall be prohibited.

Section 448.9. Individual tenants at the mobile/manufactured home park may construct attached enclosures to individual mobile/manufactured homes, provided that such enclosures do not exceed 100 percent of the floor area of the mobile/manufactured home. Individual building and zoning permits shall be required for such enclosures in each case.

Section 448.10. The layout and construction of new streets within the mobile/manufactured home park shall conform with the requirements of the Subdivision Regulations of the Township.

Section 448.11. All mobile/manufactured home parks shall provide to each lot line both a continuing supply of safe and portable water as approved by the Pennsylvania Department of Environmental Protection (PADEP). The park shall provide a connection to public sanitary sewage disposal facilities of the Township or to facilities provided by the developer, which shall be in accordance with, and as approved, by the PADEP.

Section 448.12. All area devoted utility purposes, such as garbage storage area, common washing or drying facilities and other such areas shall be adequately screened.

Section 448.13. A mobile/manufactured home park may include a recreation center for residents, a rental or management office, maintenance buildings for the park, swimming pool and the sale of mobile/manufactured homes that will be placed on the tract.

Section 449 Motor Sports Facility.

Section 449.1. Motor sports Facilities, when allowed by special exception shall meet the criteria of this Ordinance and shall provide the following to the municipality's Zoning Hearing Board:

Section 449.2. A conceptual site plan of the property that shows the approximate location, scale and character of all proposed site features and facilities, including, but not limited to, all areas devoted to racing, maintenance, spectator seating, parking, vehicle and pedestrian access and circulation, camping, and concessions. Proposals for site landscaping, buffering, and lighting shall be included on the plan.

Section 449.3. A preliminary grading plan that shows the existing and proposed topography of the site, including the elevations of all proposed facilities and features, and their relationship to the elevation of surrounding properties and uses.

Section 449.4. A detailed written narrative describing:

Section 449.4.1. All proposed uses of the property, including the frequency of each use proposed and the anticipated hours of operation for each use.

Section 449.4.2. The types of motor sports events proposed, and the types of vehicles involved in each event.

Section 449.4.3. Plans for providing safety and security on the property during all proposed events.

Section 449.4.4. Plans for the provision of a public water supply and a public sewerage system to the property, or (if public facilities are not proposed), methods by which potable water shall be provided and sewage shall be disposed.

Section 449.4.5. Plans for the abatement of noise generated by the use and operation of the property, with information on methods to be employed.

Section 449.4.6. Plans for the mitigation of lighting impacts on surrounding and nearby properties.

Section 449.4.7. Plans for the adequate management of traffic generated by the proposed use, including an analysis of existing traffic patterns in the area, and any plans or proposals for off-site traffic improvements.

Section 449.5. All proposals for Motor sports Facilities shall meet the following minimum standards; however, stricter standards may be established as a condition of the issuance of a special exception:

Section 449.5.1. A minimum lot size of fifty (50) acres shall be provided.

Section 449.5.2. All proposed uses, structures, and other developed or activity areas shall be located at least two hundred (200) feet from any adjoining property line.

Section 449.5.3. All exterior lighting on the property shall be designed, located, and arranged so as not to direct glare on adjoining streets or properties. Lighting intensity at adjoining property lines shall not exceed 0.5-foot candles.

Section 449.5.4. No recurrent or sustained noise generated from the operation of the motor sports facility shall exceed 80dB (A), when measured from any adjoining property line.

Section 450 Motor Vehicle Racetrack.

Section 450.1. All areas used for the racing of motor vehicles and related testing and maintenance shall be setback a minimum of 500 feet from the lot line of an existing dwelling or a residential district boundary. Any improved track used for motorcycles, all-terrain vehicles or motor vehicles for commercial purposes shall be setback a minimum of 500 feet from the lot line of an existing dwelling or a residential district boundary.

Section 450.2. All buildings, parking, loading, and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling or a residential district boundary. The applicant shall prove that the standards of Chapter 5 will be met.

Section 450.3. A minimum lot size of fifty (50) acres shall be provided.

Section 450.4. For a special exception use, the Zoning Hearing Board may require the installation of sound barriers or berms and/or the planting of additional trees.

Section 450.5. Access to such facility shall be by a paved road. All racetracks shall have direct access to an arterial or collector roadway, as identified in the Foster Township Comprehensive Plan. Traffic shall not be directed through residential subdivisions or residential streets.

Section 450.6. Off-street parking shall be provided at a minimum of one space for each three patrons or seats.

Section 450.7. Any lighting provided at such facilities shall be subject to the provisions of this Ordinance regarding outdoor lighting in this Zoning Ordinance.

Section 450.8. Accessory uses and/or structures may be permitted in conjunction with the principal use of the property, provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

Section 450.9. Appropriate mitigation measures shall be implemented to ensure noise shall not exceed harmful levels at the closest sensitive receptor(s) to the racetrack (i.e. dwelling, school, church, etc.).

Section 450.10. Hours of operation of the racetrack shall be between 10:00 a.m. and 10:00 p.m.

Section 451 Nursing Home, Also "Skilled Care Facility".

Section 451.1. Licensing - See definition in Chapter 2.

Section 451.2. Minimum lot area- 20,000 square feet unless a larger lot area requirement applies in the applicable district. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

Section 451.3. The density shall not exceed more than one resident or bed per 250 square feet of total building floor area.

Section 451.4. Setback. Principal and accessory buildings shall be setback a minimum of 50 feet from a "residential lot line."

Section 451.5. The applicant shall provide proof that all applicable state, county and (municipal licenses have been obtained

Section 452 Off-Road Vehicle Park, also "Motorized Vehicle Trails"

Section 452.1. Intent: The intent of this section shall be to provide rules, regulations and standards for development of off-road vehicle parks and motorized vehicle trails in Foster Township, ensuring that the public health, safety and general welfare are protected; that orderly growth and development together with the conservation, protection and proper use of land shall be ensured; that proper provisions for all public facilities shall be made; and that local government is given appropriate control over the zoning and location of parks in their respective municipalities.

Section 452.2. Definitions:

Accessory Uses. Offices, recreational facilities, convenience stores, gift shops, service buildings, rest rooms, storage units and other uses and structures customarily a part of the Off-road Vehicle Park or operation for the use of customers. This does not include ATV sales or repair facilities.

Authority Having Jurisdiction. The organization, office or individual responsible for approving equipment, a permit, or a procedure.

Customer. A person or persons participating in off-road vehicle parks and motorized vehicle trails.

Off-Road Vehicle. A vehicle designed and intended for off-road vehicle operation. All vehicles and riders must have valid Pennsylvania Department of Transportation or DCNR Vehicle Registration and insurance. Off-Road Vehicles are considered but not limited to Golf Carts, ATV's (all-terrain vehicle), Quads', UTV's (utility task vehicle) & ROV's (recreational off-highway vehicle), snowmobile, Motorcycles & Dirt Bikes, Jeeps, Trucks, Dune Buggy's, & Hybrids, Side by Side (UTV) and other motorized vehicles intended or not intended to be used off of a paved public roadway.

Greenbelt. A strip of land, containing landscaping or other aesthetic site obscuring features, intended to buffer potentially incompatible uses. Greenbelts may include utilities and other underground facilities but not trails, camping units, buildings, or recreation areas.

Minimum Lot Size. The minimum land area required to accommodate an off-road vehicle park.

Equipment Owner/Operator. The owner of the off-road vehicle and motorized vehicle trails or his/her designee.

Owner/Operator. The owner of the Off-Road Vehicle Park or Motorized Vehicle Trails

Service Building. A structure or portion thereof that is used to house sanitary facilities, such as water closets or lavatories. It may include other facilities for the convenience of the off-road vehicle park and motorized vehicle trails.

Section 452.3. Minimum Lot Size: Sixty (60) acres.

Section 452.4. Buildings, structures, and accessory uses:

Section 452.4.1. Every off-road vehicle park and motorized vehicle trails shall have a staffed office during hours of operation in which shall be located the office of the person responsible for the operation of the off-road vehicle park and motorized vehicle trails.

Section 452.4.2. "Accessory Uses," as defined in this section are permitted. Such accessory and commercial uses shall be solely designed and constructed to serve the off-road vehicle park and motorized vehicle trails guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the off-road vehicle park and motorized vehicle trails internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels.

Section 452.5. Setbacks, Greenbelts, Operating Hours:

Section 452.5.1. A greenbelt shall be provided between the Off-Road Vehicle and any abutting property unless natural or physical fabricated barriers exist.

Section 452.5.2. Any existing healthy trees within any setback shall be preserved, except as needed for entrance roads and utility crossings.

Section 452.5.3. Off-Road Vehicle Park and motorized vehicle trails shall be located a minimum of fifteen hundred (1,500) feet from any public street right-of-way; any side or rear property line; and from all residential lot lines.

Section 452.5.4. Hours of Operation shall be from 8AM until 6PM.

Section 452.5.5. Any "Accessory Use" shall be set back a minimum of five hundred (500) feet from any property line.

Section 452.6. Access and circulation:

Section 452.6.1. An off-road vehicle park and motorized vehicle trails shall include at least one paved entrance road from a street, with a minimum width of twenty-four (24) feet. The first one hundred (100) feet of the road from the street cartway shall be paved.

Section 452.6.2. Entrances and exits to the off-road vehicle park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within one hundred (100) feet, where speed limit is less than 45 miles per hour, or one hundred fifty

Section 452.6.3. A minimum site distance of (150) feet is required, where speed limit is 45 miles per hour or more, or to PennDOT standards, whichever is more restrictive at all entrances, or public roadway crossings.

Section 452.6.4. All entrances, exits, and public roadway crossings are required to have a State Highway Occupancy Permit or a Township Road Occupancy Permit

Section 452.6.5. No entrance or exit from an off-road vehicle park and motorized vehicle trails shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

Section 452.6.6. No entrance or exit from an off-road vehicle park shall be allowed to cross through an adjacent property without written permission from Property Owner.

Section 452.6.7. Except for those surfaces which are required to be paved, exposed ground surfaces in all parts of the off-road vehicle park shall be covered with crushed stone or gravel or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

Section 452.6.8. Roads within the off-road vehicle park and motorized vehicle trails shall have a minimum width of 15 feet for one-way streets and 24 feet for two-way streets. Vehicular access to off-road vehicle

parks and motorized vehicle trails shall be provided only by way of the road network within the off-road vehicle park.

Section 452.6.9. The operation of an ATV on a public road or highway is illegal under PA Title 75, §7721 and §7722.

Section 452.6.10. A traffic impact study, prepared by a Professional Engineer, licensed in PA is required subject to the requirements of *Foster Township Subdivision and Land Development Ordinance* (SALDO).

Section 452.7. Sewage, Water, And Trash:

Section 452.7.1. All public drinking water used in the operation of an off-road vehicle park and motorized vehicle trails shall be constructed as outlined in Section 506 and be provided from a supply approved by PADEP.

Section 452.7.2. All sewage disposal systems serving an off-road vehicle park and motorized vehicle trails shall constructed as outlined in Section 507 and be approved by PADEP and Foster Township or its assignees.

Section 452.7.3. At least one public Restroom with flushing toilets and water facilities shall be provided on the premises of each off-road vehicle park for the use of the employees and customers of the off-road vehicle park and motorized vehicle trails. These facilities shall be approved by the PADEP.

Section 452.7.4. At least one portable public restroom and water facilities shall be provided on the premises of each off-road vehicle park for each two miles of trail. These facilities shall be maintained in proper working order.

Section 452.7.5. Solid waste disposal and vector control shall be the responsibility of the off-road vehicle park and motorized vehicle trails landowner and shall be performed in accordance with the requirements of PADEP. Landowner is also responsible for dust control and implement a plan to prevent dust from reaching the property line.

Section 452.7.6. Any restrooms, trash receptacles or other similar areas of high use or noise potential shall be located not less than two hundred (200) feet from all property lines, and screened from residential properties

Section 452.8. Impervious Coverage:

Section 452.8.1. Maximum: Ten (10) percent.

Section 452.9. Signs:

Section 452.9.1. An off-road vehicle parks and motorized vehicle trails may construct one (1) freestanding on-illuminated sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal off-road vehicle park use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, and at least twenty-five (25) feet from adjoining lot lines.

Section 452.10. Lighting:

Section 452.10.1. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

Section 452.11. Plot Plan:

Section 452.11.1. Every application for the construction, operation, maintenance and occupancy for an off-road vehicle parks and motorized vehicle trails shall be accompanied by plans, and specifications, at a minimum scale of one inch to 50 feet fully setting out the trail locations, width, material of construction, slope, motor vehicle parking spaces, the interior road giving access thereto, buildings, recreation areas, lighting, and a plan of landscaping. The plan shall also show adjoining property uses and any structures within five hundred (500) feet of any property lines.

Section 452.12. Occupancy:

Section 452.12.1. Every off-road vehicle park and motorized vehicle trails shall have a staffed office in which shall be located the person responsible for operation of the off-road vehicle park. Such person shall maintain a daily registration log of operators/customers; such registration log shall be maintained for each calendar year.

Section 452.13. Zoning Permit/Certificate of Use and Occupancy:

Section 452.14. Upon the proper installation of the off-road vehicle parks and motorized vehicle trails, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months.

Section 452.15. A fee, in the amount to be set by the Municipality, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit;

Section 452.16. Prior to the issuance of renewal of a certificate of use and occupancy, the owner of an off-road vehicle parks and motorized vehicle trails shall file with a set of off-road vehicle park regulations.

Section 452.17. Upon due notice, the Zoning Officer may revoke a certificate of use and occupancy for failure by the owner to enforce such regulations, or for the violation of this chapter or other provisions, and the same shall be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

Section 453 Outdoor Burning.

Section 453.1. Outdoor burning is subject to the requirements of the *Foster Township Outdoor Burning Ordinance* as amended.

Section 454 Outdoor Motion-Picture Establishment.

Section 454.1. Outdoor Motion-Picture Establishments may include facilities for the sale and consumption of food and non-alcoholic beverages. The establishment shall have frontage on and direct vehicular access to an arterial street or collector street.

Section 454.2. No structure of the establishment (except for fences) shall be located within one thousand (1,000) feet of a dwelling.

Section 454.3. The establishment shall provide sufficient stocking area(s) (and/or a marginal access road) to ensure that entering vehicles will have safe turning into the establishment and not to obstruct the flow of traffic on the streets adjacent to the establishment.

Section 454.4. The motion-picture screen shall be no closer to any property line than one point two five (1.25) times the height of the picture screen or the minimum yard requirements of the zoning district, whichever setback is greater. Other buildings shall be subject to the minimum yard requirements of the zoning district. The motion picture screen shall not be oriented toward an arterial or collector street.

Section 454.5. The applicant shall provide a plan for buffering and shall meet the requirement of Section 803.4

Section 454.5.1. The volume and direction of outdoor speakers shall be regulated to achieve the performance standards in Section 508 of this Ordinance.

Section 454.5.2. Lighting per Section 511 of this Ordinance.

Section 454.5.3. Minimum Lot Area: Ten (10) acres.

Section 454.5.4. Maximum Impervious Coverage: Sixty (60) percent.

Section 455 Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.

Section 455.1. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing street right-of-way, sidewalk or other area intended or designed for pedestrian use, required parking area, or required paved area setback.

Section 455.2. No storage or display shall occur on areas with a slope in excess of 25 percent or within the 100-year floodway.

Section 455.3. Screening. See Section 803.4, "Buffer Yards."

Section 455.4. Tires. If more than 250 tires are stored on a lot, each stack shall be a maximum of 20 feet high and cover a maximum of 400 square feet. Each stack shall be separated from other stacks by a minimum of 75 feet.

Section 456 Personal Care Home.

The standards for nursing homes in this section shall apply.

Section 457 Pets, Keeping of.

(Note: This does not apply to Raising of Livestock, which is regulated by Section 443 nor to keeping of animals permitted as an accessory use under the definition of Crop Farming in Chapter 2).

Section 457.1. This use shall not include a use meeting the definition of a kennel.

Section 457.2. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.

Section 457.3. For carrier pigeons, see the State Carrier Pigeon Law 53 Pa. Stat. § 3952.

Section 457.4. The non-commercial keeping of horses is permitted on a lot of two acres or more. Any horse barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any abutting lot line (other than a street right-of-way) and 150 feet from any existing dwelling other than that of the owner of the horses. Any commercial keeping of horses shall be considered a "stable" or a "farm-related business."

Section 457.5. Proper soil erosion control measures shall be used as needed.

Section 458 Picnic Grove, Privately-Owned.

Section 458.1. All parking and activity areas shall be a minimum of 250 feet of an existing dwelling other than a dwelling with the same owner as the picnic grove. The use shall not operate in a way that is perceptible from beyond the lot lines between the hours of 10:00 p.m. and 7 a.m.

Section 458.2. See noise and glare standards in Section 508 and Section 511.

Section 458.3. Minimum lot area - five acres.

Section 459 Place of Worship.

Section 459.1. Minimum lot area - 20,000 square feet unless a larger lot area requirement applies in the applicable district.

Section 459.2. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship provided that the requirements for such uses are also met.

Section 459.3. One dwelling unit for a religious leader(s) of the place of worship and their family may be accessory to a place of worship on the same lot.

Section 459.4. The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.

Section 459.5. The location of automobile parking on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.

Section 459.6. Minimum front and rear yards shall be ten feet greater in depth, and minimum side yards shall be ten feet greater in width, than the minimum required for any other main structure in the district in which such use is located.

Section 460 Portable Toilets

Section 460.1. All buildings and uses generating sewage shall be connected to public sewers if they are within one hundred and fifty feet (150') of said public sewers, or to approved, permitted, and functioning on-site septic treatment systems if beyond 150' of public sewers.

Section 460.2. Portable toilets shall be allowed only as follows:

Section 460.2.1. At construction sites for the use of workers while on-site.

Section 460.2.2. Special events such as parades, inaugurations, etc.

Section 460.2.3. Municipal use.

Section 460.2.4. Seasonal use.

Section 461 Recreational Vehicle Park.

Section 461.1. See "Campground, Camp or Recreational Vehicle Park" in this Section.

Section 462 Recycling Collection Center.

Section 462.1. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.

Section 462.2. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.

Section 462.3. Adequate provision shall be made for movement of trucks if needed and for off- street parking.

Section 462.4. A 20 feet buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."

Section 462.5. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.

Section 462.6. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum, and glass. No garbage shall be stored as part of the use, except for garbage generated on-site or garbage accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

Section 462.7. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or melting or mechanical shredding of metal or land filling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard and shredding of newspaper.

Section 462.8. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.

Section 462.9. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

Section 463 Restaurant.

Section 463.1. If drive-thru service is provided, a maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each if drive-thru service is provided. The words on such signs shall not be readable from a street or residential lot line.

Section 463.2. Traffic circulation onto, within and off of the lot shall be clearly marked. Any drive-thru use shall be designed: a) with adequate capacity for waiting vehicles, and b) to avoid conflicts with traffic onto, around and off of the site.

Section 464 Retail Sales of Agricultural Products Grown Primarily on the Premises

Section 464.1. The use shall be an accessory use incidental to a crop farming or raising of livestock use.

Section 464.2. The only retail sales shall be of agricultural products. A minimum of 50 percent of the products sold shall have been grown or raised by the operator of the retail sales use, or a member of their immediate family or a lessee of their land.

Section 464.3. Off-street parking shall be provided in compliance with the provisions of Chapter 6. No parking shall occur in such a way that it creates a safety hazard.

Section 464.4. All buildings erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.

Section 465 Satellite Antennas

Section 465.1. See also setback requirements for an accessory structure in the applicable district. See also Commercial Communications Antennas in Section 419.

Section 465.2. The following regulations shall only apply within a residential district for a satellite antenna that is visible from a street or an adjacent lot line:

Section 465.2.1. Maximum diameter - 11 feet; and

Section 465.2.2. Maximum total height of 15 feet above the average ground level.

Section 465.3. Earth tones are strongly encouraged.

Section 466 Sawmill

Section 466.1. No material shall be deposited or stored, and no building or structure shall be located within five hundred feet (500') of any property line.

Section 466.2. Any external area used for the unloading, transfer, storage, or deposition of material shall be completely screened from view at the property line. The use of an earthen berm is encouraged where practicable.

Section 466.3. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting will not back up onto public roads.

Section 466.4. All access drives onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by person traveling to and from the site;

Section 466.5. Litter/ debris control shall be exercised to prevent the scattering of wind-borne materials, and a working plan for the cleanup of litter/ debris shall be submitted to Foster Township.

Section 466.6. The hours of operation shall be limited to 7 a.m. to 7 p.m. No operations shall be permitted on weekends or legal holidays.

Section 466.7. This section does not apply to "personal use" sawmills for hobby purposes.

Section 467 School, Public or Private, Primary or Secondary

Section 467.1. Minimum lot area - three acres, if less than 100 students, five acres if 100 students or over.

Section 467.2. No children's play equipment, basketball courts, baseball backstop or infield or illuminated recreation facilities shall be within 25 feet of a residential lot line. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining land within the Residential Districts. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

Section 467.3. The use shall not include a dormitory unless specifically permitted in the District.

Section 467.4. Passenger "drop-off" areas shall be provided and arranged and be of sufficient size so that passengers do not have to cross traffic lanes on or adjacent to the site.

Section 467.5. Off-street Parking (see Chapter 6).

Section 468 Self-Storage Development/Mini-Warehouses

Section 468.1. Off-street parking spaces shall be provided at the rate of one space per each 15 units, plus one per 250 square feet of office space, plus two per any resident manager;

Section 468.1.1. In addition to the parking spaces required by the preceding subsection, parking shall be provided by parking/driveway lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of the lane only and at least 30 feet wide when cubicles open onto both sides of the lane;

Section 468.1.2. The interior traffic aisles, required off-street parking areas, loading areas and accessways shall be kept clear of stored items.

Section 468.1.3. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned land, parcels on which a residence exists, and adjoining roads and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;

Section 468.1.4. All storage shall be kept within enclosed buildings. Storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall only be stored in an external storage area as described above;

Section 468.1.5. An on-site manager shall be required to be on the site on a full-time basis and shall be responsible for maintaining operation of the facility in conformance with the conditions of approval and all applicable ordinances. Any dwelling for a resident manager shall comply with all of those requirements listed within the Residential Zone and shall be entitled to all residential accessory uses provided in this chapter;

Section 468.1.6. Because of the danger from fire or explosion caused by accumulation of vapors from gasoline, diesel fuel, paint, paint remover,

and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;

Section 468.1.7. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.

Section 468.1.8. No door openings for any mini warehouse storage unit shall be constructed facing any residentially zoned property or any property on which a residence exists.

Section 468.1.9. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.

Section 468.1.10. Mini warehouses shall be used solely for the storage of property.

Section 468.1.10.1. The following lists examples of uses expressly prohibited upon the site:

Section 468.1.10.1.1. Auctions, wholesale or retail sales, or garage sales;

Section 468.1.10.1.2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;

Section 468.1.10.1.3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;

Section 468.1.10.1.4. The establishment of a transfer and storage business; and

Section 468.1.10.1.5. Any use which may be noxious or offensive because of odors, dust, noise, fumes, or vibrations.

Section 468.1.10.1.6. Body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.

Section 468.1.11. The applicant shall adequately demonstrate that all mini warehouse rental and/or use contracts specifically prohibit these uses.

Section 468.1.12. Outdoor storage shall be limited to recreational vehicles, boats, and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.

Section 468.1.13. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening under Section 803.

Section 468.1.14. Maximum building length- 250 feet.

Section 468.1.15. Minimum separation between buildings- 20 feet.

Section 469 Sewage Sludge, Land Application of

Section 469.1. Shall have a minimum lot area of 50 contiguous acres.

Section 469.2. Setback. No septage or sludge shall be applied within 400 feet of any of the following features: an existing dwelling other than that of the applicant, a well, an existing office or restaurant use or a perennial creek or river.

Section 469.3. Setback from future construction. A condition of any sludge approval shall be that a 250-foot setback shall apply from any dwelling, well, office or commercial use that is constructed in the future. In these areas, the application of sludge or septage shall not become a nonconforming use.

Section 469.4. The waste shall be regularly tested, with the results available to the public and the Township on request.

Section 469.5. The applicant shall prove compliance with all applicable PADEP regulations. The applicant shall also submit a site plan to the Township. The use shall only not occur without a Township permit.

Section 470 Signs. See Chapter 7

Section 470.1. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line, or 100 feet from the closest intersecting point of street rights-of-way at an intersection.

Section 470.2. A maximum of 800 square feet of building floor area may be used for such use.

Section 470.3. The use may occur as an accessory use within an existing dwelling or barn. Any stand shall be maintained in good condition.

Section 471 Slaughterhouse or Stockyard .

Section 471.1. Minimum lot area- 10 acres.

Section 471.2. The buildings where slaughtering takes place shall not be located closer than 250 feet from all exterior lot lines, and no closer than 500 feet from a "residential lot line."

Section 471.3. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred feet (200') of any property line nor five hundred feet (500') of any land.

Section 471.4. The subject site shall have access to a collector or arterial road.

Section 471.5. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading, and holding of live animals, shall be conducted within a completely enclosed building.

Section 471.6. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding.

Section 471.7. The applicant shall furnish a working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented.

Section 471.8. All animal waste shall be regularly cleaned up daily and properly disposed of, so as not to be objectionable at the site's property line.

Section 471.9. The unloading of live animals from trucks into holding pens and their movement into the plant shall be to immediately identify and appropriately dispatch any obviously ill or injured animals.

Section 471.10. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels.

Section 471.11. The loading and unloading of trucks shall be restricted to the hours between 8 a.m. and 6 p.m.

Section 471.12. All animal holding pens and/or areas used for the unloading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50') wide landscape strip.

Section 471.13. Sewer and water lines shall be designed and installed to minimize the potential for leakage and contamination.

Section 471.14. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors.

Section 471.15. In no event shall wastewater be disposed in any other manner inconsistent with PADEP regulations.

Section 471.16. All unusable animal by-products shall be stored indoors in leak and vector proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;

Section 471.17. The applicant must demonstrate written compliance with and continue to comply with, all applicable local, State and Federal standards and regulations.

Section 471.18. The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road.

Section 471.19. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads.

Section 471.20. All access drives onto the site shall have a paved minimum thirty-five foot (35') wide cartway for a distance of at least two hundred feet (200') from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site; and,

Section 471.21. The applicant shall furnish a traffic impact report prepared by a professional engineer in accordance with the *Foster Township Subdivision and Land Development Ordinance*.

Section 472 Solar Energy Systems Commercial.

Section 472.1. Solar Energy Systems are subject to the requirements of the *Foster Township Solar Ordinance*, as amended.

Section 473 Solar Energy Systems Residential use.

Section 473.1. Residential Solar Energy Systems are subject to the requirements of the *Foster Township Solar Ordinance*, as amended.

Section 474 Solid Waste Facility.

Section 474.1. Including a sanitary landfill, solid waste-to-energy facility, or solid waste transfer facility - See definition in Chapter 2.

Section 474.2. No property shall be used as a dumpsite for solid waste without a valid Township and a valid PADEP permit. The Township permit may be suspended for violation of a Township or PADEP requirement.

Section 474.3. An applicant for a solid waste facility shall reimburse the Township for all legal advertisements related to the application, plus pay a non-refundable administrative fee of $2,000 plus establish an escrow account of $40,000 to be used to compensate the Township for actual and customary expenses of professional reviews (such as but not limited to engineering and impact reviews). Any escrow funds used for such reviews shall be nonrefundable, while any funds not used for such reviews shall be returned to the applicant after the final Township approval.

Section 474.4. Site Plan. A site plan shall be submitted meeting the requirements of the *Foster Township Subdivision and Land Development Ordinance* and including all information required by PADEP on any site plan submitted to the State. The site plan shall show existing and proposed final topography, proposed fencing and landscaping, owners of adjacent lots, proposed haul and access roads, proposed staging, location of equipment and tire cleaning areas and location of weighing and firefighting facilities.

Section 474.5. The applicant shall submit the names and current addresses of any and all persons who have any ownership interest of more than five percent in the proposed use or in businesses that are proposing or intended to own or operate the use. The experience of the applicant in developing and operating other solid waste facilities shall be described.

Section 474.6. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PADEP at the same time as they are submitted to PADEP.

Section 474.7. A statement shall be submitted describing proposed uses of landfill land after landfilling operations are completed.

Section 474.8. A traffic study shall be submitted showing intended routes for truck traffic and estimating the total number of vehicles of over 20,000 pounds gross vehicle weight that are expected to enter and exit the facility, and the expected impact of these vehicles on the roads considering the roads' existing construction.

Section 474.9. An environmental assessment shall be submitted, including the following:

Section 474.9.1. Summary of important findings in language understandable to laypersons, with references to more detailed reports and data (such as in appendices),

Section 474.9.2. Descriptions of and maps showing the suitability of the proposed site for the use,

Section 474.9.3. Applicable technical data provided in an appendix,

Section 474.9.4. Impacts upon natural and cultural features, including surface water quality, groundwater quality, air quality and historic buildings,

Section 474.9.5. Impacts upon stormwater and floodwater,

Section 474.9.6. Visual impacts,

Section 474.10. For a use involving incineration, a professional analysis of the expected health impacts of the facility on humans, including a review of relevant studies on the matter.

Section 474.10.1. Setbacks.

Section 474.10.1.1. All solid waste storage, disposal and incineration shall be a minimum of 200 feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than two acres in area.

Section 474.10.1.2. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 400 feet from any of the following: residential district, publicly owned park, lot line of any existing dwelling (which the applicant does not have an agreement to purchase) or the banks of any perennial creek or river.

Section 474.10.1.3. A landscaped area with a minimum width of 100 feet shall surround the site and shall not be used for any use other than perpendicular driveway crossings.

Section 474.11. The use shall be served by a minimum of two access roads paved with a dust free surface, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles, in which case it may be stoned instead of being paved.

Section 474.12. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the PADEP. Any material to be incinerated that is to be stored for more than three hours shall be stored in an enclosed structure.

Section 474.13. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Zoning Ordinance.

Section 474.14. Open burning of refuse is prohibited as part of a solid waste facility. Garbage may not be dumped or buried except at an approved solid waste facility.

Section 474.15. The applicant shall prove to the satisfaction of the Township Supervisors that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas. The Township Supervisors may require the applicant to make specific improvements to roads to handle extraordinarily heavy loads.

Section 474.16. In cooperation with PADEP requirements, an appropriate double liner, and a system to collect and treat leachate and methane is required for any sanitary landfill.

Section 474.17. The applicant shall prove to the satisfaction of the Township Supervisors that the use would not routinely create noxious odors off of the tract.

Section 474.18. A chain-link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Township Supervisors that this is unnecessary. The Township Supervisors may also require temporary litter-control fences surrounding current dumping areas. The Township Supervisors shall require earth berms, evergreen screening and/or shade trees with a minimum total effective height of eight feet or more as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.

Section 474.19. A minimum total lot area of 50 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of ten acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 50 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 1,500 tons per day.

Section 474.20. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents, or vectors.

Section 474.21. Attendant. At least two employees shall be present during all times of operation.

Section 474.22. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.

Section 474.23. Emergency Access and Services. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided. Fire extinguishers, air packs for employee use and an adequate water supply shall be supplied on site. Employees shall be trained in basic firefighting methods. An emergency communications system shall be provided on site, together with appropriately located telephones available to contact local emergency services.

Section 474.24. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 8 a.m. and 5 p.m. Monday to Friday and 8 a.m. to 12 noon on Saturday. The use shall not operate Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Memorial Day, Labor Day, or the 4th of July.

Section 474.25. Tires. See "Outdoor Storage and Display" in Section 455.4.

Section 474.26. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks. All open waste trucks entering and exiting the site shall be covered.

Section 474.27. Dangerous Materials. No radioactive, hazardous, chemotherapeutic, or infectious materials may be stored, processed, disposed, or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

Section 474.28. Staging. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.

Section 474.29. The applicant shall provide sufficient information for the Township to determine that the requirements of this Zoning Ordinance will be met.

Section 474.30. State Requirements. Nothing in this Zoning Ordinance is intended to supersede any State requirements. It is the intent of this Zoning Ordinance that when similar issues are regulated by both the Township and State,

that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect.

Section 474.31. A tire cleaning area shall be provided on access roads from a landfill.

Section 474.32. The operator shall enter into an agreement with the Township specifying the types and frequencies of environmental monitoring that will be put into place while a solid waste-to-energy or sanitary landfill is underway and for a minimum of three years after any landfill is closed. For a landfill, such testing shall include at a minimum groundwater monitoring wells. For an incineration use, shall testing shall at a minimum include air pollution monitoring.

Section 474.33. A leachate treatment system may be an accessory use to a landfill, and a recycling collection center or a bulk recycling center are permitted in combination with any permitted solid waste disposal facility.

Section 474.34. For any transfer facility or waste-to-energy facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drain to a holding tank that is then adequately treated.

Section 474.35. For each acre upon which active landfill operations begin, a $10,000 bond payable to Foster Township shall be posted by the operator to ensure appropriate restoration of the site and adequate monitoring after the use is ended. Such bond shall be in a form acceptable to the Township Solicitor. Such bond shall be in effect for a minimum of ten years after the operations cease.

Section 474.36. The operator shall keep written records of the origin of all solid waste, and of the type of any waste accepted other than "municipal waste."

Section 474.37. Under the authority of State Act 101 of 1988, the Township Supervisors may appoint one or more landfill inspectors. Such inspector shall have authority to visit the site, to monitor operations and the review records regarding the origin and types of waste.

Section 474.38. See Act 101 of 1988 that provides municipalities the authority to charge "host fees."

Section 474.39. The Township Supervisors may establish certain minimum insurance requirements for the applicant as a condition of Township approval. Such insurance shall at a minimum include a $10 million liability policy regarding environmental hazards.

Section 474.40. Permitted Uses. Uses are permitted by right, uses in the I-2 listed in Appendix A.

Section 474.41. Accessory Uses incidental to the operation of a Solid Waste Facility. The following accessory uses are permitted when used in conjunction with a principal use or structure:

Section 474.41.1. Security watch stations for security guards.

Section 474.41.2. Scales and scale houses.

Section 474.41.3. Internal Access Roadways.

Section 474.41.4. Communication Towers.

Section 474.41.5. Maintenance Buildings

Section 474.41.6. Offices.

Section 474.41.7. Leachate treatment facilities.

Section 474.41.8. Landfill gas management facilities.

Section 474.41.9. Stormwater management facilities.

Section 474.41.10. Monitoring wells

Section 474.41.11. Internal Signage, Marking and Lighting

Section 474.41.12. Fuel Facility specially for on-site vehicles.

Section 474.41.13. Cafeteria or canteen for the sole use of employees and visitors to the establishment.

Section 474.41.14. Storage garages for vehicles used in the operation of the principal use.

Section 474.41.15. Parking for principal and accessory uses in conformance with Chapter 6.

Section 475 Stable, Personal .

Section 475.1. See Section 457 for personal stable. Requirements.

Section 476 Stable, Non-household.

Section 476.1. Minimum lot area - 10 acres.

Section 476.2. Any horse barn or stable shall be a minimum of 50 feet from any lot line, except 200 feet from the lot line of an existing dwelling. Any corral shall be setback 25 feet from the lot line of an existing dwelling.

Section 477 Swimming Pool, Household.

Section 477.1. The pool shall not involve any commercial use.

Section 477.2. Enclosure Around/In-Ground Pools. A new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar enclosure not less than six feet in height nor more than eight feet in height. This enclosure shall be constructed to make it exceedingly difficult for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed times when not in use.

Section 477.3. Enclosure Around Above Ground Pool. Any existing or new above ground pool shall include a secure fence, wall, or other enclosure a minimum of four feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.

Section 477.4. Location. A pool and any deck or shelter that is elevated above the average surrounding ground level may be located within the required rear or side yards for the district in which the pool is located, except that no portion of the pool shall be located closer than two feet or ten percent of the lot width, whichever is greater, to the side property line and ten feet from the rear property line. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. A pool is not permitted within a required front yard.

Section 477.5. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: 1) on-lot septic system or 2) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.

Section 477.6. Permits. Building permits shall be required for all pools of a permanent or semi-permanent nature that require construction or assembly, and which may be designed to hold water to a depth greater than twelve inches.

Section 478 Swimming Pool, Non-Household.

(For swimming pools serving one household, see Section 477).

Section 478.1. The water surface shall be setback at least 25 feet from any lot line.

Section 478.2. Minimum lot area- one acre.

Section 478.3. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of Section 803.

Section 478.4. The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.

Section 478.5. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system; or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.

Section 478.6. Water Service. Any inlet from a central water system shall be above the overflow level of the pool.

Section 478.7. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.

Section 479 Tank Farm

Section 479.1. No materials or wastes shall be deposited upon a lot in such a form or manner that it may be transported off by natural causes or forces.

Section 479.2. No substance which can

Section 479.2.1. contaminate groundwater or surface water,

Section 479.2.1.1. render groundwater or surface water undesirable as a source of water supply or recreation, or

Section 479.2.1.2. destroy aquatic life shall be allowed to enter any groundwater or surface water.

Section 479.3. Tank farms shall not be permitted in the Crystal Run Protected Watershed as delineated by PADEP.

Section 479.4. Tank farms shall be subject to all applicable regulations of the Pennsylvania Department of Environmental Protection (PADEP).

Section 479.4.1. Fencing

Section 479.4.1.1. Fencing Design

Section 479.4.1.1.1. Fencing shall serve as a structural barrier for the protection of physical assets and personnel.

Fencing shall be used to channel authorized vehicle and pedestrian traffic to specific gate locations at the facility.

Section 479.4.1.2. Fence Fabric

Section 479.4.1.2.1. The fence fabric shall be made of a heavy metal fabric appropriate to the service it is in; it should be clad with a protective coating of zinc, aluminum, or aluminum alloy. The fence fabric shall withstand a breaking load sufficient to protect the fence from breaching under normally expected stress. Mesh openings in the fabric shall be no larger than 2 (two) inches.

Section 479.4.1.2.2. The fence fabric shall have a minimum height of 8 (eight) feet.

Section 479.4.2. Fence Installation

Section 479.4.2.1. In areas where the fence is over hard surfaces (soil or pavement), the bottom of the fence fabric shall be no more than 2 (two) inches above the surface.

Section 479.4.2.2. In areas where the fence is over soft surfaces (soil, gravel, or sand) the bottom of the fence fabric shall be below the soft surface to account for erosion. If this installation does not provide adequate protection, the bottom of the fence shall be anchored to the ground and shall have a bottom rail or support wire.

Section 479.4.2.3. In areas where the fence crosses uneven grades (streams, culverts, or hills) the fence fabric will be extended with additional fence fabric or grating to deter penetration.

Section 479.4.2.4. Fence installations shall not disrupt the flow of water.

Section 479.4.2.5. There shall be no gaps in the fence line that would allow an individual unauthorized access.

Section 479.4.2.6. A top rail shall be installed on the top of the fence.

Section 479.4.2.7. Fencing fabric shall be stretched taut.

Section 479.4.2.8. Fencing installation hardware shall be of sufficient strength for the application and shall be resistant to environmental conditions and individual tampering.

Section 479.4.2.9. The fence shall have a 3 (three) strand barbed wire top guard facing outward from the facility at a 45 (forty-five) degree angle. The barbed wire strands in the top guard shall be spaced 6 inches apart. The arms supporting the barbed wire top guard shall withstand a weight of 250 (two hundred and fifty) pounds applied at the outer strand of barbed wire. The overall height of the fence with the barbed wire shall be a minimum of 8 (eight) feet.

Section 479.4.3. Posts (Fence and Gate)

Section 479.4.3.1. Fence line posts shall be spaced equidistantly with no more than 10 (ten) feet between posts.

Section 479.4.3.2. Fence posts shall withstand a breaking load sufficient for the service it is being placed in (but not less than 1,000 pounds).

Section 479.4.3.3. The diameter of the postholes shall be at least 4 (four) times the largest cross section of the post.

Section 479.4.3.4. The depth of the postholes shall be a minimum of 36 (thirty-six) inches.

Section 479.4.3.5. After the post has been set plumb and is in alignment, the posthole shall be filled with concrete.

Section 479.4.3.6. The exposed surface of the concrete shall be crowned in order to shed water.

Section 479.4.3.7. Terminal posts shall be braced diagonally to the nearest line posts. The angle between the brace and the ground shall be no more than 50 (fifty) degrees.

Section 479.4.3.8. Post tops shall consist of ornamental tops or combination tops with barbed wire supporting arms as required for the fence service.

Section 480 Target Range

Section 480.1.1. All target ranges shall have a barrier behind the target area that is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.

Section 480.1.2. The Township Supervisors may require that an outdoor firearms target range comply with applicable National Rifle Association standards.

Section 480.1.3. An outdoor firearms target range shall be located a minimum of 500 feet from the lot line of any existing residential use or undeveloped residentially zoned land, unless the use is within a completely enclosed sound-resistant building.

Section 480.1.4. An outdoor firearms target range shall be fenced and be property posted.

Section 480.1.5. The applicant shall show that the noise limits of Section 508 will be met.

Section 480.1.6. An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.

Section 481 Townhouses and Apartments

Section 481.1. Maximum Number of Dwelling Units Within Any Building or Within Attached Buildings - 12 for any building including apartments, six for any other building(s).

Section 481.2. Density. The permitted maximum total density shall be four dwelling units per acre for townhouses and five dwelling units per acre for apartments. In determining such density, the following land areas shall not be considered:

Section 481.2.1. areas within the existing rights-of-ways of pre-existing or previously approved streets;

Section 481.2.2. areas with natural slopes greater than 15 percent;

Section 481.2.3. 75 percent of areas within the 100-year floodplain as defined by Federal floodplain maps; and

Section 481.2.4. 50 percent of areas within rights-of-ways or easements intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

Section 481.3. The following areas are not required to be deleted from the "buildable area" - provided that they do not include areas that are specifically required to be deleted under the standards of Section 481.2 above:

Section 481.3.1. Rights-of-way of streets that do not exist or that were not previously approved;

Section 481.3.2. Areas of land voluntarily dedicated to and accepted by the Township or State for a street improvement that would not otherwise be required by the Township or State and that are not necessary for providing internal access for the development may be included as buildable area;

Section 481.3.3. Areas that will be dedicated as common open space.

Section 481.4. The permitted number of dwelling units may be placed at any appropriate locations within the tract, provided that all other requirements of this Zoning Ordinance are met and provided that no single net acre of land includes more than 15 dwelling units, once street rights-of-ways and common open spaces are deleted.

Section 481.5. Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.

Section 481.6. Buffer Yard. A 20-foot-wide buffer yard with screening shall be provided by the developer of the townhouses or apartments, as described in Section 803.4, between any townhouse or apartment principal building and:

Section 481.6.1. Any abutting existing single-family detached dwelling within 100 feet; or

Section 481.6.2. The right-of-way of an arterial street that abuts the rear of townhouse units and is within 100 feet.

Section 481.7. Floor Area - See Section 801.

Section 481.8. Building Setback and Separation. The following minimum setbacks shall apply for townhouse and apartment buildings, whichever is most restrictive:

Section 481.8.1. For principal and accessory structures from all rights-of-ways of pre-existing streets - 50 feet;

Section 481.8.2. for principal and accessory structures from a right-of-way of a street constructed within the tract* - 25 feet;

Section 481.8.3. For accessory structures from a lot line within the townhouse or apartment tract - three feet.

* = or from the cartway of a private street if a right-of-way does not exist.

Section 481.9. Separation. Each principal building shall be separated by a minimum of 20 feet from any other principal building.

Section 481.10. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.

Section 481.11. Minimum Width of Townhouses- Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 24 feet for any townhouse that:

Section 481.11.1. Has two or more off-street parking spaces located within 20 feet of the front of the front of the townhouse; or

Section 481.11.2. Has garage door(s) for two or more motor vehicles facing onto the front of a townhouse.

Section 481.12. Additional Requirements: For Construction of Private Streets - See Section 801.1 "Frontage onto Improved Streets." For preservation of natural buffers - See Section 803.4.

Section 481.13. Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 20 feet from any dwelling.

Section 481.14. To avoid garages from being an overly prominent part of the view of townhouses from streets, landscaped parking courts or garages/carports at the rear of dwellings are encouraged.

Section 481.15. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial street.

Section 481.16. Common Open Space.

Section 481.16.1. For any townhouse or apartment development involving 25 or more dwelling units, a minimum of ten percent of the total land area shall be dedicated as common open space. This common open space shall be in addition to any other requirements of this Zoning

Ordinance or the *Foster Township Subdivision and Land Development Ordinance*. Common open spaces are encouraged to be used as a buffer against any abutting major roads.

Section 481.16.2. The applicant shall prove to the satisfaction of the Zoning Officer, upon advice of the Township Supervisors, that there will be an adequate permanent method in place to maintain the common open space.

Section 481.16.3. Areas within 25 feet of a principal building shall not be used to count towards the required amount of common open space.

Section 481.17. Condominiums. The division of land into individual lots is not required, but instead, condominium ownership may be used.

Section 482 Treatment Center.

Section 482.1. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Township Supervisors as a conditional use.

Section 482.2. The applicant shall prove to the satisfaction of the Township Supervisors that such use will involve adequate supervision and security measures to protect public safety.

Section 482.3. The Township Supervisors may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

Section 483 Trucking Company Terminal.

Section 483.1. Any portion of the conduct of business shall be located so that no vehicular entrance or exit shall be closer than 200 feet to an entrance or exit of any elementary or secondary or vocational school, playground, church, or public library.

Section 484 Veterinarian Office (includes Animal Hospital).

Section 484.1. Any structure in which animals are treated or housed shall be a minimum of 100 feet from any residentially zoned undeveloped lot or any lot line of a primarily residential use. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.

Section 484.2. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing

dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

Section 484.3. A commercial kennel shall only be an accessory and not a principal use unless a kennel is permitted in that district and the applicable requirements are met.

Section 485 Warehouse or Wholesale Sales.

Section 485.1. See requirements found under Chapter 11 Warehousing and Wholesale Trade Establishments.

Section 486 Wind Energy Facilities (Non-Residential Wind Farm).

Section 486.1. The purpose of this section is to provide for the land development, construction, operation and decommissioning of Wind Energy Facilities in Foster Township, subject to reasonable conditions that will protect the public health, safety, and welfare.

Operator. The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

Hub Height. The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

Turbine Height. The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

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

Wind Energy Facility. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological, owners, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Non-Participating Landowner. Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

Section 486.2. Land Development Requirements.

Section 486.2.1. Approved Land development plans are required prior to the construction or erection of Wind Energy Facilities or the addition of a Wind Turbine to an existing Wind Energy.

Section 486.2.2. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require land development approval under the *Foster Township Subdivision and Land Development Ordinance*. Like-kind replacements shall not require a permit modification.

Section 486.3. Additional Land Development Plan Requirements.

Section 486.3.1. The land development plan shall demonstrate that the proposed Wind Energy Facility will comply with this Section and the PA Uniform Construction Code and the regulations adopted by the Department of Labor and Industry (PADLI).

Section 486.3.2. The land development plan, in addition to the other requirements of the *Foster Township Subdivision and Land Development Ordinance* shall contain the following:

Section 486.3.2.1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

Section 486.3.2.2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

Section 486.3.2.3. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

Section 486.3.2.4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

Section 486.3.2.5. Documents related to decommissioning, including a schedule for the decommissioning and financing security.

Section 486.3.2.6. Other relevant studies, reports, certifications, and approvals may be reasonably requested by the Foster Township Supervisors to ensure compliance with this Chapter.

Section 486.3.3. Wind Energy Facility shall not interfere with aviation activities at the Schuylkill Regional Airport, training operations of the US Military, or Aeromedical Facilities in the area.

Section 486.4. Design and Installation.

Section 486.4.1. Uniform Construction Code. To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Department of Labor and Industry (PADLI).

Section 486.4.2. Design Safety Certification. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Llloyd Wind Energies, or other similar certifying organizations.

Section 486.4.3. Controls and Brakes. All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

Section 486.4.4. Electrical Components. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

Section 486.5. Visual Appearance; Power Lines.

Section 486.5.1. Wind Turbines shall be a non-obtrusive color such as white, off-white, or gray.

Section 486.5.2. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

Section 486.5.3. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner, and Operator.

Section 486.5.4. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

Section 486.6. Warnings.

Section 486.6.1. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

Section 486.6.2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

Section 486.7. Climb Prevention/Locks.

Section 486.7.1. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.

Section 486.7.2. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

Section 486.8. Setbacks.

Section 486.8.1. Occupied Buildings.

Section 486.8.1.1. Wind Turbines shall be set back from the nearest Occupied Building on the participating landowner's property a distance not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building

Section 486.8.1.2. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than 1.1 times the Hub

Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

Section 486.8.1.3. Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

Section 486.8.1.4. Public roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

Section 486.9. Waiver of Setbacks.

Section 486.9.1. Upon request, the zoning hearing board may grant partial waivers of setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

Section 486.9.2. The governing body may take into consideration the support or opposition of adjacent property owners in granting waivers of setback requirements hereunder.

Section 486.10. Use of Public Roads.

Section 486.10.1. The Applicant shall identify all state and local public roads to be used within the Foster Township to transport equipment and parts for construction, operation, or maintenance of the Wind Energy Facility.

Section 486.10.2. The Foster Township engineer or a qualified third-party engineer hired by Foster Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

Section 486.10.3. Foster Township may bond the road in compliance with state regulations.

Section 486.10.4. Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.

Section 486.10.5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

Section 486.11. Local Emergency Services.

Section 486.11.1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).

Section 486.11.2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

Section 486.12. Noise and Shadow Flicker.

Section 486.12.1. Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier. The municipality may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

Section 486.12.2. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

Section 486.12.3. The governing body may take into consideration the support or opposition of adjacent property owners on granting waivers of noise and shadow flicker restrictions.

Section 486.13. Signal Interference.

Section 486.13.1. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, internet, or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

Section 486.14. Liability Insurance

Section 486.14.1. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $10 million in the aggregate. Certificates shall be made available to the Foster Township upon request.

Section 486.15. Decommissioning.

Section 486.15.1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

Section 486.15.2. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

Section 486.15.3. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.

Section 486.15.4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

Section 486.15.5. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

Section 486.15.6. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

Section 486.15.7. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 486.15, then the landowner shall have six (6) months to complete decommissioning.

Section 486.15.8. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Section 486.15.1 and Section 486.15.7 then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

Section 486.15.9. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

Section 486.16. Certifications and Inspections.

Section 486.16.1. National and State Standards. The applicant shall show that all applicable manufacturer's the Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed Wind Turbine have been met, including without limitation, back feed prevention and lightning grounding. Wind Turbine shall be built, operated, and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a Wind Turbine shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such Wind Turbine is in compliance with such standards.

Section 486.16.2. Annual Inspection Report. An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the Wind Turbine

ready for operation. The inspection report shall certify the structure soundness and proper operation of the Wind Turbine.

Section 486.17. Public Inquiries and Complaints.

Section 486.17.1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

Section 486.17.2. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

Section 487 Wind Energy Facilities (Single Use).

Section 487.1. A single use windmill/wind turbine shall be a permitted by special exception subject to the following conditions and/or standards:

Section 487.2. Except as otherwise provided, Wind Turbine shall be considered accessory structures and the generation of energy as an accessory use and only in accordance with this Section. There shall be no commercial use of the Wind Turbine for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

Section 487.3. Noise from any residential windmill/wind turbine shall not exceed fifty-five (55) decibels (both dBA and dBC) when measured at the property line.

Section 487.4. Wind energy generation shall be limited to one (1) wind turbine per lot or tract of land.

Section 487.5. The applicant shall demonstrate that the proposed site has sufficient wind for the continued and proper operation of the Wind Turbine.

Section 487.6. The maximum height of any Wind Turbine, measured from the average approved finished grade at the perimeter of the Wind Turbine foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed 45' feet for zoning district R1, R2, Commercial, Village Residential, and Institutional. The maximum height for the General Industrial District is 200 feet. The maximum height for Rural Conservation and Public Conservation is 100 feet.

Section 487.7. No Wind Turbine shall be placed in a front yard.

Section 487.8. Only single pole (monopole) Wind Turbine structures shall be permitted. A Wind Turbine pole shall be self-supporting upon its foundation (i.e., no guy wires).

Section 487.9. No Wind Turbine shall be placed closer to a property line, occupied structure, utility, utility line, structure, or fuel source than the distance measured by

its height plus fifty percent (50%) of its height (measured in feet). The minimum distance from the wind turbine to a property line, occupied structure, utility, utility line, structure or fuel source shall not be less than 50 feet.

Section 487.10. The setback distance can be modified if the adjacent property owner signs a permanent easement that is recorded in the deed of the adjacent property. The easement must include the required setback area that extends beyond the property boundary. This easement must indicate that no permanent structure may be constructed within the easement area.

Section 487.11. No Wind Turbine blade at its lowest point shall be closer to the surface of the ground than fifteen feet (15').

Section 487.12. The proposed location of the Wind Turbine shall be demonstrated to protect and maintain existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the Wind Turbine shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent roadways, and neighboring properties (with permission of the owners).

Section 487.13. The proposed location and operation of the Wind Turbine shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a Wind Turbine shall be clear of and shall not interfere with any existing, trees, structures, wires, and the like.

Section 487.14. All utilities, lines, cables, wires, and other connections to or from the Wind Turbine and any other structure associated with the Wind Turbine shall be at or below grade, except as otherwise permitted by the Board of Supervisors.

Section 487.15. Wind Turbine shall not be lighted except as otherwise required by law.

Section 487.16. There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the Wind Turbine, except those required for safety or otherwise permitted by the Township.

Section 487.17. Access to a Wind Turbine shall not be provided any lower than fifteen feet (15') at the highest point of the Wind Turbine base. Other proposed means of access and/or the limitation thereof and security therefore must be approved by the Board of Supervisors as part of the Conditional Use process.

Section 487.18. Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at 100' intervals, no lower than three feet (3') high and a minimum of one (1) square foot, maximum of two (2) square feet reading "CAUTION: FALLING OBJECTS". Each sign shall also contain the name and address of the property owner.

Section 487.19. A site plan shall be prepared and certified by a registered professional engineer and submitted with and as part of any permit application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:

Section 487.19.1. Property boundaries and identities of neighboring property owners.

Section 487.19.2. Location of all unnatural structures on the property, as well as all manufactured structures within two hundred feet (200') of the proposed Wind Turbine.

Section 487.19.3. All wires, and overhead structures, both natural and unnatural.

Section 487.19.4. Soil type(s) where the foundation will be constructed.

Section 487.19.5. Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the Wind Turbine will be constructed, installed, and maintained, together with the safety features proposed to prohibit unauthorized access.

Section 487.19.6. All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the Wind Turbine.

Section 487.19.7. The applicant shall demonstrate that should the Wind Turbine fall, it will fall within the setback prescribed by Section 487.10 and Section 487.11 otherwise the applicant shall provide sufficient setbacks in addition to those prescribed by Section 487.10 and Section 487.11 to comply with the setback area demonstrated by the applicant. In no case shall the setbacks be reduced below those prescribed by Section 487.10 and Section 487.11.

Section 487.19.8. Information regarding the speed of operation and the braking mechanism(s). No Wind Turbine shall be permitted which lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and/or excessive pressure on the Wind Turbine or any of its component parts.

Section 487.20. Removal of Wind Turbine.

Section 487.20.1. Any Wind Turbine which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.

Section 487.20.2. All structures enclosures accessory to the Wind Turbine shall also be completely removed from the property to a place of safe and legal disposal.

Section 487.20.3. The former Wind Turbine site shall be restored to as natural condition as possible within six (6) months of the cessation of active and continuous use.

Section 487.21. Certifications and Inspections.

Section 487.21.1. National and State Standards. The applicant shall show that all applicable manufacturer's the Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed Wind Turbine have been met, including without limitation, back feed prevention and lightning grounding. Wind Turbine shall be built, operated, and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a Wind Turbine shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such Wind Turbine is in compliance with such standards.

Section 487.21.2. Annual Inspection Report. An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the Wind Turbine ready for operation. The inspection report shall certify the structure soundness and proper operation of the Wind Turbine.

Section 487.22. No Wind Turbine shall commence operation until the Township has certified in writing that the conditions of this Section have been

satisfied and the Wind Turbine has been constructed and installed in accordance with the approved plans and specifications.

Section 488 Yard Sale/Garage Sale

Section 488.1. Yard/Garage sales shall be governed by the following:

Section 488.1.1. Four (4) yard or garage sales are permitted per household in any calendar year.

Section 488.1.2. The maximum duration of any yard or garage sale shall be three (3) consecutive calendar days.

Section 488.1.3. Any individual, group, or corporation posting advertisements within the Township shall remove from the Township right-of-way all signs, flyers, posters, and bulletins no later than the date after the yard or garage. Should the yard or garage sale not be held, all signs, flyers, posters, and bulletins advertising the yard or garage sale shall be removed no later than the scheduled last day of the yard or garage sale.

Section 489 Reserved

Section 490 Reserved

Chapter 5 ENVIRONMENTAL PROTECTION.

Section 501 Additional Information.

Section 501.1. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Chapter, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations, and safeguards. The applicant may specify that portions of such submittal shall be treated as confidential to be viewed only by Township officials without a business interest in such matters, in order to protect proprietary information.

Section 502 Nuisances and Hazards to Public Safety.

Section 502.1. No landowner, tenant nor lessee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:

Section 502.1.1. Communicable disease or other public health hazards, including activities that encourage the breeding of disease-prone insects or rodents.

Section 502.1.2. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.

Section 502.1.3. Activity that prevents a neighboring landowner of ordinary sensitivities from making reasonable use of their property.

Section 502.1.4. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic, or toxic hazards.

Section 502.1.5. Activity that causes serious pollution to groundwaters or surface waters. See Section 506.

Section 502.2. It is the responsibility of every property owner to ensure that their property does not threaten public health or safety, and to remove or alter any structure or situation that threatens the public health and safety. This includes, but is not limited to structurally unsound structures, including those damaged by fire. The Township does not accept responsibility to identify or address all such hazards.

Section 503 Wetlands Review.

Section 503.1. If the Zoning Officer, based upon review by the Township Engineer or the County Conservation District or PADEP or the Fish and Wildlife Service or the Army Corps of Engineers, has reason to believe that a portion of a site proposed

to be altered may possibly meet the State or Federal definitions of a "wetland", the Zoning Officer may require the applicant to provide a study by a qualified professional delineating the locations of wetlands. However, the Township accepts no responsibility to identify all wetlands or to warn all parties of such possibilities.

Section 503.2. All permits of the Township are issued on the condition that the applicant comply with Federal and State wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for non-compliance with the regulations.

Section 504 Setbacks From Creeks.

Section 504.1. Purpose. To protect the water quality of surface waters, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and other pollutants and provide for setbacks that can be used as required yard areas for a use.

Section 504.2. Setbacks From Creeks. No new principal building or new off-street parking for more than two vehicles or new commercial or industrial storage area shall be located within ten feet from the outer edge of the floodway of a creek. See the Township floodplain map in case such map regulates a wider area.

Section 504.3. Exceptions. The setbacks of this Section shall not apply to public utility facilities, publicly owned recreational facilities, expansions of existing buildings or the placement of accessory structures.

Section 504.4. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this Section undisturbed, except at approved waterway crossings. Additional Setbacks may be required to protect critical watersheds and are shown on the Foster Township Zoning Map.

Section 505 Steep Slopes.

Section 505.1. Applicability. If an area of a lot including slopes of 15 percent or greater is proposed for construction of buildings, streets or driveways or non-agricultural grading, then the applicant shall submit a steep slope site plan to the Zoning Officer. These submittal requirements may be met by including the required information on subdivision/ land development plans.

Section 505.2. Plan. A steep slope site plan shall meet the following requirements:

Section 505.2.1. Show detailed slope contours for all areas that potentially may be disturbed and constructed upon,

Section 505.2.2. Identify all areas of 15 percent to 25 percent and greater than 25 percent slope,

Section 505.2.3. Be to scale (such as 1 inch = 50 ft.),

Section 505.2.4. Show substantial areas of trees and dense vegetation proposed to be removed or preserved prior to or during the development of the use,

Section 505.2.5. Be stamped by a professional surveyor, professional engineer, or registered landscape architect,

Section 505.2.6. Show proposed locations of principal buildings, streets, driveways, on-lot septic fields and other areas of soil disturbance, *

Section 505.2.7. State the maximum slope of proposed driveways and streets, and

Section 505.2.8. Show an area of 20 feet around the proposed principal building locations.

* If the exact location of these features is not definitely determined at the time of plan submittal, then the plan shall designate the outer limits of areas where such features may potentially be located. If different locations outside of the approved location would be proposed after approval of the site plan, then the applicant shall prove to the Zoning Officer that the revised location would still meet the requirements of this Section.

Section 505.3. 15 to 25 Percent. If a proposed principal building and driveway location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with 15 percent or greater slopes, but do not include more than 1,000 square with slopes greater than 25 percent, the following regulations shall apply, unless more restrictive regulations are stated elsewhere in this Zoning Ordinance:

Section 505.3.1. Minimum lot area of ten acres per dwelling unit or per principal non-residential use. and

Section 505.3.2. Maximum impervious coverage of five percent.

Section 505.4. Greater than 25 Percent. If a proposed principal building location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with slopes greater than 25 percent, then the Zoning Officer shall not permit the construction of such principal buildings within the proposed location.

Section 505.5. Erosion Control. See Section 512.

Section 505.6. Grading; Unnatural Slopes. No grading shall occur in such a way that would circumvent the requirements of this Zoning Ordinance, such as prior to submittal for a zoning or building permit or subdivision or land development approval. The steep slope requirements shall apply based on the slope of land at the time of the adoption of this Zoning Ordinance. This section shall not apply to unnatural slopes that naturally were not 15 percent or greater slope.

Section 505.7. Driveways. A new driveway shall not be built that would require cutting against contours through an area of 30 percent or greater natural slope for 75 feet or longer, measured in a straight line.

Section 506 Threats to Water Quality.

Section 506.1. No substance shall be stored in such a way that it could be washed into the groundwater or surface water if such substance could seriously contaminate groundwater or surface water or serious harm aquatic life of a waterway.

Section 506.2. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a berm that would drain any spilled substance to an engineered collection area, or other method approved in writing by the Township Supervisors or PADEP.

Section 506.3. All hazardous substances shall be properly labeled and shall be in compliance with the PA. Worker and Community Right to Know Act.

Section 507 Sewage Disposal.

Section 507.1. All methods of wastewater disposal shall meet requirements of PADEP, the Township Sewer Authority, and the Official Township Sewage Facilities Plan, as amended, as applicable. Uses within 150 feet of a sanitary sewer line connected with a public sewer system shall be required to connect to the line.

Section 507.2. Review of on-lot systems. Any septic system is required to be reviewed by the Sewage Enforcement Officer (SEO) for adequacy if a change of use or expansion of use would cause a significant increase in sewage flows, or if there would be an increase in the number of dwelling units. If the SEO determines that a system is malfunctioning or undersized, improvements may be required to the system prior to such change of use or expansion.

Section 507.3. Back-up System. Any lot using an on-lot septic system that is to be granted final subdivision approval as part of a subdivision after the adoption of this section shall include a second open unpaved land area suitable for an alternate septic system location. Such site shall be found suitable based on soil probes, but

not necessarily a perc test, by a State-certified Sewage Enforcement Officer and found in writing to meet State setback and slope requirements. The soil probes shall be located a minimum of 15 feet from the boundaries of the proposed primary septic system. A Township sewage permit is not specifically required at the time of subdivision approval for such back-up system.

Section 507.4. On-lot systems and lot area. A more restrictive minimum lot area may be established by the SEO based on PADEP regulations.

Section 508 Noise.

Section 508.1. No principal or accessory use, or its operations, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Table 1.Sound Level Limits by Receiving Land Use/ District

Land Use or Zoning District Receiving the Noise	**Hours/Day**	**Maximum Sound Level**
10 feet inside a Residentially Zoned Lot	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day, and Memorial Day	1) 57 DBA
	2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day, and Memorial Day	2) 52 DBA
10 feet inside any Lot Line not listed above	Shall be in accordance with the *Foster Township Noise Ordinance*	

Section 508.2. The maximum permissible sound levels in the above table and in the *Foster Township Noise Ordinance* shall not apply to any of the following:

Section 508.2.1. Sound needed to alert people about an emergency.

Section 508.2.2. Repair or installation of utilities or construction of structures, sidewalks, or streets.

Section 508.2.3. Household power tools and lawnmowers.

Section 508.2.4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.

Section 508.2.5. Railroads, aircraft, or vehicles operating on a public street.

Section 508.2.6. Public celebrations specifically authorized by the Township Supervisors or a County, State or Federal Government agency or body.

Section 508.2.7. Unamplified human voices or the sounds of pets.

Section 508.2.8. Ringing of bells and chimes by a place of worship.

Section 508.2.9. Motor vehicles licensed by the Pennsylvania Department of Transportation (or equivalent licensing department of other states and jurisdictions) for use on public roadways (but not including off-road vehicles, ATVs, and UTVs).

Section 509 Vibration.

Section 509.1. No use shall generate vibration that is perceptible to an average person through their senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional non-routine blasting that may be necessary during construction of streets, structures, and utilities.

Section 510 Odors and Dust.

Section 510.1. No use shall generate odors or dust that are significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot.

Section 510.2. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using "normal farming practices" within: a) Act 133 of 1982, as amended, the State "Right to Farm Act" or b) an official Agricultural Security Area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those State laws, such as if manure is not plowed under within a reasonable period of time.

Section 511 Glare.

Section 511.1. Street Lighting Exempted. This Section shall not apply to street lighting that is owned, financed, or maintained by the Township or the State.

Section 511.2. Glare. All lights and signs shall be designed and operated to reasonably minimize the amount of light and glare they generate onto residential lots and streets. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings, or adjacent lots. All light sources, including signs, shall be shielded around the light source, and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable

persons in adjacent dwellings and to prevent the lighting from shining into the eyes of passing motorists.

Section 511.3. Height of Lights. No luminaries spotlight or other light source that is within 200 feet of a dwelling shall have a height exceeding 25 feet above the average surrounding ground level except recreational. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.

Section 511.4. Flickering. Flashing, flickering, or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 25th.

Section 512 Erosion Control, Drainage, Filling, Excavation, and Grading.

Section 512.1. Grading and Erosion Plans. In advance of any earth disturbance (including grading, filling, and excavation), other than crop farming, an appropriate sedimentation and erosion control and grading plans shall be submitted to the Zoning Officer if such work:

Section 512.1.1. Involves an area greater than 1.0 acre;

Section 512.1.2. Will create finished slopes greater than 3: 1, or

Section 512.1.3. Involve alteration of areas with a natural slope in excess of 15 percent.

Section 512.1.4. These plans may be subject to reviews by the Township Engineer and the Schuylkill Conservation District.

Section 512.2. Erosion. Earth moving activities and the stripping of vegetation shall be held to a reasonable minimum to avoid erosion. All Township permits are granted on the condition that State erosion and sedimentation regulations and any submitted erosion and sedimentation plan are complied with. Failure to comply with such regulations or plan shall be cause for suspension of Township permits.

Section 512.3. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building and away from on-lot septic fields. Adequate stormwater control shall be used to protect buildings on the subject lot and all adjoining property. This shall include, but not be limited to, measures to prevent high-velocity, concentrated runoff from damaging other property and causing erosion.

Section 512.4. Grading shall not be completed in such a way that soils, rocks, or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets, or utilities.

Section 512.5. Fill. Materials used for fill as a future base for construction shall be nonbiodegradable, well compacted and provide a suitable and secure base.

Section 512.6. Dumping. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.

Section 512.7. Stripping of Topsoil. Sufficient topsoil to grow grass and similar vegetation shall remain on all land, except for areas approved to be paved.

Section 513 Flood-Prone Areas.

Section 513.1. Purposes. To prevent loss of life and destruction and damage of property; to avoid government expenditure for flood protection, rescues, and reconstruction; to avoid public health and safety hazards; to avoid increases in flood levels and velocities; and to reduce the numbers of persons unknowingly investing in land or new structures that are prone to flooding.

Section 513.2. Floodplain Applicability. The regulations of this Section shall apply throughout the entire Township as "overlay" zoning regulations that supplement the zoning district regulations. Where the regulations of this Section differ from the regulations of any other Section of this Zoning Ordinance, the provision that is more restrictive on development shall apply. See the "Liability" section in Section 121.

Section 513.3. Description of Floodplain Areas. For the purposes of this Chapter, the "100-Year Floodplain" shall be those areas identified as "Special Flood Hazard Areas Inundated by 100-Year Flood" or such similar designation on the latest version of the official Flood Insurance Study for the Township as issued by the U.S. Department of Housing and Urban Development or its successor agency which shall hereafter be referred to as the "Federal Floodplain Study."

Section 513.3.1. Floodway - shall mean the channel of a stream plus any adjacent portions of the 100-Year Floodplain that must be kept free of encroachment in order to prevent the increase of flood levels by more than one foot.

Section 513.3.2. Flood-Fringe - shall mean portions of the 100-Year Floodplain that are not within the 100-Year Floodway.

Section 513.3.3. Floodplain Amendments. The Township Supervisors may officially amend the 100-Year Floodplain to account for unnatural or natural changes, or to incorporate an updated Federal or State study or to accept an appropriate professional study that provides a detailed analysis of a specific segment of a waterway. However, any official amendment of the

official Floodplain Map requires prior approval of the Federal Insurance Administration or its successor agency.

Section 513.3.4. Interpretation.

Section 513.3.4.1. The Zoning Officer shall initially determine the location of the 100-Year Floodplain areas based upon the Federal Floodplain Study.

Section 513.3.4.2. Where exact measurements do not exist, the boundaries of the 100-Year Floodplain areas shall be determined by scaling distances from the official Floodplain Map. The Zoning Officer may request the advice of the Township Engineer.

Section 513.3.4.3. The applicant may appeal such determination to the Zoning Hearing Board as a variance. In such case, the full burden of proof shall be on the applicant to prove that the determination of the Zoning Officer or the study being used is not accurate. See the standards for a Professional Floodplain Study in part Section 513.4.4, below.

Section 513.3.5. Definitions. For the purposes of this Zoning Ordinance, the following terms shall have the following meanings:

Section 513.3.5.1. Development. Any unnatural change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. The term "development" shall also include but not be limited to the placement or development of a "mobile/manufactured home" (as defined below) on a lot.

Section 513.3.5.2. Historic Structure. A structure that is:

Section 513.3.5.2.1. Listed individually on the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, or

Section 513.3.5.2.2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered Historic District, or

Section 513.3.5.2.3. Individually listed on a local inventory of historic places under a program that has been certified by the PA Historical and Museum Agency.

Section 513.3.5.3. Substantially Improved. See Section 513.4.6.3.

Section 513.4. Permitted and Prohibited Uses in the 100-Year Floodplain.

Section 513.4.1. Within the 100-year Floodplain, each of the following is prohibited:

Section 513.4.1.1. Construction of new buildings,

Section 513.4.1.2. Construction, development, placement, or extension of a structure that could inhibit the passage of 100-Year Floodwater or that could reduce the water carrying capacity of a 100-year floodplain,

Section 513.4.1.3. Filling in or grading within the 100-Year Floodplain, other than minor finished grading or excavation that the applicant proves to the written satisfaction of the Township Engineer will not result in a net reduction in the water carrying capacity of the floodplain,

Section 513.4.1.4. Redirection of a perennial waterway, other than stream improvements authorized by the PA. Fish and Boat Agency that are intended solely to improve aquatic habitats,

Section 513.4.1.5. The development or expansion of any of the following uses:

Section 513.4.1.5.1. Manufactured/mobile homes or manufactured/ mobile home parks,

Section 513.4.1.5.2. Jails or prisons,

Section 513.4.1.5.3. Nursing homes or hospitals,

Section 513.4.1.5.4. Junkyards or solid waste disposal facilities,

Section 513.4.1.5.5. Bulk manure storage, or

Section 513.4.1.5.6. Grave sites of cemeteries.

Section 513.4.1.6. Storage of any substances, items or materials that would be:

Section 513.4.1.6.1. Buoyant and not anchored or tied down or easily moved within the time available after a flood warning,

Section 513.4.1.6.2. Toxic,

Section 513.4.1.6.3. Highly hazardous,

Section 513.4.1.6.4. Explosive, or

Section 513.4.1.6.5. Radioactive.

Section 513.4.1.7. Any new or substantially improved structure that will be used for the production or storage of any of the following substances or substances involving a similar degree of hazards or any use involving the maintenance of more than 550 gallons of any of the following substances:

Section 513.4.1.7.1. Acetone,

Section 513.4.1.7.2. Ammonia,

Section 513.4.1.7.3. Benzene,

Section 513.4.1.7.4. Calcium Carbide,

Section 513.4.1.7.5. Carbon disulfide,

Section 513.4.1.7.6. Celluloid,

Section 513.4.1.7.7. Chlorine,

Section 513.4.1.7.8. Hydrochloric acid,

Section 513.4.1.7.9. Hydrocyanic acid,

Section 513.4.1.7.10. Magnesium,

Section 513.4.1.7.11. Nitric acid and oxides of nitrogen,

Section 513.4.1.7.12. Petroleum products (such as gasoline and fuel oil),

Section 513.4.1.7.13. Phosphorus,

Section 513.4.1.7.14. Potassium,

Section 513.4.1.7.15. Sodium,

Section 513.4.1.7.16. Sulphur and sulfur products,

Section 513.4.1.7.17. Pesticides (including insecticides, fungicides, and rodenticides),

Section 513.4.1.7.18. Radioactive substances, insofar as such substances are not otherwise regulated,

Section 513.4.1.7.19. Such other substances regulated as "hazardous" under Federal or State regulations that would represent a threat to water quality.

Section 513.4.2. Standards. Before any action affecting the 100-Year Floodplain occurs, the applicant shall prove to the written satisfaction of the Township Engineer that:

Section 513.4.2.1. All applicable Township, State and Federal requirements have been met and applicable permits have been granted,

Section 513.4.2.2. Compensating improvements will be made to prevent any net increase in flood levels or adverse effects on flood velocities and drainage patterns,

Section 513.4.2.3. Prior notice has been given of such proposal to: any municipalities that will be affected by a change in an alteration or relocation of a waterway has been given prior notice of such proposal, the PA. Department of Community Affairs and the U.S. Federal Emergency Management Agency, and

Section 513.4.2.4. No development, filling in or grading will occur within the 100-year Floodplain that would cause an increase in the 100-year flood elevations.

Section 513.4.3. Permitted Uses. Permitted uses in the 100-year floodplain (except areas that an applicant proves are not within the 100-year floodway) shall be limited to the following uses, provided that such uses are permitted by the underlying zoning district and will meet the other requirements of this Section:

Section 513.4.3.1. Nature preserves,

Section 513.4.3.2. Plant nurseries,

Section 513.4.3.3. Outdoor recreation uses,

Section 513.4.3.4. Golf courses,

Section 513.4.3.5. Parking areas,

Section 513.4.3.6. Yard/ setback areas,

Section 513.4.3.7. Parking areas (see "setbacks from creeks in Section 504),

Section 513.4.3.8. Crop farming,

Section 513.4.3.9. Below ground and elevated utilities, and

Section 513.4.3.10. Bridges, culverts, and similar structures that the applicant proves to the written satisfaction of the Township Engineer will:

Section 513.4.3.10.1. Pass over the 100-Year Floodplain, or

Section 513.4.3.10.2. Carry stormwater within a Township-approved stormwater improvement, or

Section 513.4.3.10.3. Float over floodwater, or

Section 513.4.3.10.4. Allow 100-Year Floodwater to easily pass through the structure without causing debris to block the flood channel.

Section 513.4.4. Flood Fringe Areas. To avoid the prohibition of construction of structures within the 100-Year Floodplain, an applicant may prove to the satisfaction of the Zoning Hearing Board as a special exception, based upon review by the Township Engineer that a particular portion of the 100-Year Floodplain is within the 100-year flood fringe and not within the 100-Year Floodway. Such proof shall be based upon a professional hydrological study. Such study shall:

Section 513.4.4.1. Only be conducted by a professional engineer or hydrologist,

Section 513.4.4.2. Follow current accepted hydraulic technical methods and Federal standards,

Section 513.4.4.3. Provide sufficient analysis and computation information for the Township Engineer to determine that the study is accurate.

Section 513.4.5. Flood Fringe. If a floodplain study provided for within the standards of Section 513.4.4, above is accepted by the Zoning Hearing Board, then such study shall be used to define the areas within the 100-year floodway and 100-year flood fringe within the studied areas. Structures and additions to structures may then be permitted within the areas determined to be within the 100-year flood fringe. In such case, within those areas of the 100-year floodplain found not to be within the 100-year floodway, the following provisions may apply:

Section 513.4.5.1. All new buildings and all existing buildings that are "substantially improved", as specified in Section 513.4.6, below, shall be: 1) anchored to resist flotation, collapse, and lateral movement, and 2) fully flood proofed in compliance with this Zoning Ordinance, any Township Building Codes and applicable Federal and State standards. This shall include but not be limited to the following:

Section 513.4.5.1.1. The elevation of the lowest floor (including the basement) of any new or substantially improved residential structure shall be a minimum of 1.5 feet above the 100-year flood elevation. Enclosed areas below this lowest floor are prohibited.

Section 513.4.5.1.2. The elevation of the lowest floor (including the basement) of any new or substantially improved non-residential structure shall a) be a minimum of 1.5 feet above the 100-year flood elevation, or b) be flood proofed up to that height.

Section 513.4.5.2. Enclosed areas below this lowest floor (including the basement) are prohibited.

Section 513.4.5.3. Such required flood proofing shall follow the standards for completely or essentially dry structures stated in the Army Corps of Engineers' "Flood Proofing Regulations" publication or some equivalent standard acceptable to the Township Engineer. The applicant shall ensure that plans for such flood proofing shall be certified by a professional engineer or architect certifying that a

building has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact, and uplift forces associated with a 100-year flood and that utility extensions have been designed to take the 100-year flood levels fully into account.

Section 513.4.6. Existing Structures in Floodplains.

Section 513.4.6.1. Structures that existed prior to the adoption of this Section within the 100-year floodplain shall not be expanded or enlarged, except:

Section 513.4.6.1.1. If a professional floodplain study proves that the area is not within the 100-year floodway and the expansion meets the requirements for the 100-year flood fringe, or

Section 513.4.6.1.2. For additions of unenclosed features such as porches or any upper story additions that are not "substantial improvements" provided that such additions do not decrease the water carrying capacity of the 100-year floodplain, or

Section 513.4.6.1.3. If any negative effects on 100-year flood heights are fully offset by accompanying improvements.

Section 513.4.6.2. Any modification, alteration, reconstruction, or improvement to a structure that existed prior to the adoption of this Section within the 100-year floodplain that is equal in value to less than 50 percent of the structure's market value ** shall to the greatest extent possible be elevated and/or flood proofed.

Section 513.4.6.3. Any modification, alteration, reconstruction, or improvement to a structure that existed prior to the adoption of this Section within the 100-year floodplain that is equal in value to 50 percent or more of the structure's market value** (which shall be considered to be "substantially improved") shall only occur in full compliance with the provisions of this Chapter.

** Based upon the value of the structure before the improvement or repair started and before any flood damage that may be being repaired.

Section 513.4.6.4. Historic and Safety Exception. Section 513.4.6.2, and Section 513.4.6.3, above shall not apply to

improvements that are necessary to comply with a Township, County or State health, safety, or sanitary regulation or to historically rehabilitate and restore a "historic structure" (see definition above).

Section 513.4.6.5. The applicant shall provide written information to the Zoning Officer on the lowest floor elevation of each structure approved within the 100-year floodplain.

Section 513.4.6.6. Basement shall be defined for the purposes of this Section as any area of a building having its floor below ground level on all sides.

Section 513.4.7. Floodplain Variances.

Section 513.4.7.1. A variance shall not be granted to the provisions of this Chapter if the variance would result in unacceptable increased flood heights or to increased threats to the public safety. Any variances to this Chapter shall be annually reported to the Federal Insurance Administration.

Section 513.4.7.2. If a variance is granted to allow construction of a structure below the 100- year floodplain elevation, the applicant should be notified in writing by the Zoning Officer that such construction will likely result in increased premium rates for flood insurance, and that the applicant may be creating a risk to life and property, and that the applicant is completing such work at his/her own risk.

Section 513.4.7.3. The variance shall be the minimum necessary to afford relief.

Section 513.4.7.4. A variance shall not be granted for any development within the 100-year floodway that would cause an increase in the 100-year flood elevations.

Chapter 6 OFF STREET PARKING AND LOCATIONS.

Section 601 Required Number of Parking Spaces.

Section 601.1. Overall Requirements.

Section 601.1.1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 2. Off-Street Parking Requirements (See definition of employee in Chapter 2) and the regulations of this Chapter.

Section 601.1.2. Uses Not Listed. Uses not specifically listed in Table 2 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.

Section 601.1.3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as may be allowed under Section 601.2.

Section 601.1.4. Calculation. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

Section 601.2. Reduction of Parking Requirements as Conditional Use.

Section 601.2.1. Purposes. To minimize impervious surfaces, while ensuring adequate parking; to recognize unique circumstances may justify a reduction in parking.

Section 601.2.2. The Township Supervisors may permit a reduction, through the Conditional Use process of Section 120, of the number of parking spaces required to be developed if the Applicant proves to the satisfaction of the Township Supervisors that less parking spaces are needed.

Section 601.2.2.1. Proof. To prove that less parking spaces are needed, the applicant shall provide existing and projected employment, customer, resident, or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.

Section 601.2.2.2. Shared Parking. Under this Section. an applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.

Section 601.2.2.3. Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Township Supervisors may require as a condition of the approval that the lot include the reservation, permanently or for a specified number of years, of areas for use if needed in the future for additional parking.

Section 601.2.2.3.1. Such reservation shall be provided in a legal form acceptable to the Township Solicitor.

Section 601.2.2.3.2. In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished.

Section 601.2.2.3.3. Such additional parking shall be required to be provided within one year by the owner of the lot at that time after the Zoning Officer may determine in writing to such owner that such parking has become needed to meet actual use. Such determination shall be based upon the Zoning Officer's on-site review on least three different days.

Table 2. Off-Street Parking Requirements (See definition of employee in Chapter 2)

Use	Number of Off-street Parking Spaces Required	Plus One Off-street Parking Space for Each
A. Agricultural Uses Crop Farming or Raising of Livestock	--------	Employee
Kennel (Minimum of 4)	1 per employee	15 animals of capacity
Plant Nursery	1 per employee	250 sq. t. of indoor sales floor area and 10,000 sq. ft. of outdoor sales area
Stable, non-household (minimum of 2)	1 per employee	8 animals of capacity
Seasonal Sale of Agricultural Products	1 per employee	250 sq. ft. of sales floor area
B. Residential Uses Dwelling Unit	2 per dwelling unit	
Home Occupation or Farm-related Business	2 spaces for any business expected to routinely have visitors, plus the spaces for the dwelling unit, plus any storage space needed for vehicles being worked upon	Non-resident employee
Boarding House	1 per rental unit or bed, whichever is greater	Non-resident employee
Group Home	See Section 432	
Manufactured/Mobile Home Park	See Section 447	
C. Institutional Use Place of Worship or Church	1 per 4 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee
Hospital	1 per 2 beds	1.2 employees
Nursing Home	1 per 6 beds	1.2 employees
Personal Care Home	1 per 4 beds	1.2 per employees
Use	Number of Off-street Parking Spaces Required	Plus One Off-street Parking Space for Each
Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.2 employees
School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
Utility Facility	1 per vehicle routinely needed to service facility	
Trade School	1 per 1.5 students who attend class at peak times	Employee
Treatment Center	1 per 2 residents age 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-resident employee

Swimming Pool, Non-household	1 per 40 sq. ft. of water surface, other than wading pools	Employee
D. Commercial Uses	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed, or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
Auto Service Station or Repair Garage	5 per repair or service bay and 1/4 per fuel nozzle with such spaces separated from access ways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
Auto, Boat, Recreational Vehicle or Manufactured Homes Sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
Adult Use (including Adult Bookstore, Adult Live Entertainment Use or Massage Parlor) (minimum of 10)	1 per 30 sq. ft. of total floor area	Employee
Bed and Breakfast Use	See Chapter 4	
Bowling Alley	2 per lane plus 2 per pool table	1.2 employees
Car Wash	2 per washing lane or stall, which may be located in drying or vacuuming areas	1.2 employees
Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus 3 convenient spaces for each automatic banking transaction machine	employee
Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors	employee
Golf Driving Range	1 per tee	1.2 employees
Miniature Golf	2 per hole	1.2 employees
Golf Course	4 per hole (plus spaces required for any membership club building or restaurant)	1.2 employees
Ice Skating/Roller Skating	1 per 200 sq. ft. of floor area accessible to users	1.2 employees
Haircutting/Hairstyling	2 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 employees
Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 employees
Laundromat	1 per 3 washing machines	On-site Employee
Office or Clinic, Medical/Dental	6 per physician and 4 per dentist	1.2 employees
Offices, other than above	1 per 300 sq. ft. of total floor area	

Personal Service Use, other than haircutting/hairstyling (minimum of 2 per establishment)	1 per 150 sq. ft. of floor area accessible to customers	Employee
Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 200 sq. ft. of floor area other than racquetball courts accessible to customers/members plus parking required by any additional use (such as restaurant) plus 2 spaces per racquetball court	Employee
Outdoor Recreation (other than uses specifically listed in this table)	1 per 3 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 employees
Restaurant	1 per 3 seats	1.2 employees
Retail Sales (other than types separately listed) or Shopping Center (minimum of 5 per establishment, except 10 per video rental store)	1 per 400 sq. ft. of floor area accessible to customers	
Tavern or Nightclub	1 per 30 sq. ft. of total floor area	1.2 employees
Theater or Auditorium	1 per 3 seats	1.2 employees
Veterinarian Office	5 per veterinarian	Employee
E. <u>Industrial Uses</u> All Industrial Uses (including warehousing, distribution, and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed, or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance. 1.2 per employee, based on the maximum number of employees on-site at peak period of times (including any overlapping shifts)	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 15 storage units	Employee

Section 602 General Regulations for Off-Street Parking.

Section 602.1. General. Parking spaces and access ways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns, and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

Section 602.2. Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Zoning Ordinance shall not in the future be reduced in number below the number required by this Zoning Ordinance.

Section 602.3. Change in Use or Expansion. A structure or use in existence at the effective date of this Zoning Ordinance that expands or significantly changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

Section 602.3.1. If the use expands in total building floor area by an aggregate total maximum of five percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Zoning Ordinance, then no additional parking is required, or

Section 602.3.2. If the change in use would increase the number of required parking spaces by less than 20 spaces beyond what was required by the previous use, then an applicant may choose to only add the additional number of spaces required by the new use compared to the previous use.

Section 602.4. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building that the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

Section 602.5. Location of Parking. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a permanent method of providing the spaces is available using area of a lot within 250 feet of the entrance of the principal use being served. Off-street parking and loading lots may be developed on any required side, front, or rear yard, but not closer than ten feet to any street pavement.

Section 603 Design Standards for Off-Street Parking.

Section 603.1. General Requirements.

Section 603.1.1. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single-family or two-family dwelling with its access onto a local street or parking court.

Section 603.1.2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces of a single-family detached dwelling.

Section 603.1.3. Parking areas shall not be within any of the following: a required buffer yard, a future or existing street right-of-way or a required paved area setback.

Section 603.1.4. Defined Traffic Ways. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 25 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated as much as is reasonable from major pedestrian routes within the lot.

Section 603.1.5. Separation from Street. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against un-channeled motor vehicle entrance or exit. Except for necessary and approved vehicle entrances and exits to the lot. All commercial and industrial parking areas approved after the adoption of this Zoning Ordinance shall be separated from the street by a grass or landscaped strip of land.

Section 603.2. Size and Marking of Parking Spaces. Each parking space shall be a rectangle with a minimum width of ten feet and a minimum length of 20 feet, except:

Section 603.2.1. The minimum length shall be 22 feet for parallel parking.

Section 603.2.2. All spaces shall be marked to indicate their location, except those of a single-family or two-family dwelling.

Section 603.3. Aisles.

Section 603.3.1. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

Section 603.3.2. Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width, except a width of 20 feet may be allowed for: a) areas of parking that are clearly primarily for employees, or b) parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

Section 603.3.3. Maximum length of parking aisle- 250 feet.

Section 603.4. Access Drives and Driveways.

Section 603.4.1. Width of Driveway/Accessway at Entrance onto Public Street (at the edge of the cartway)*

	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

*Unless a different standard is required by PENNDOT for an entrance to a State road.

Section 603.4.2. Maximum Grades of Driveway. See the *Foster Township Subdivision and Land Development Ordinance*.

Section 603.4.3. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.

Section 603.4.4. Driveways on One Lot. On any one lot a maximum of two driveway per 500 feet of lot frontage.

Section 603.4.5. State Permit. Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State Highway Occupancy Permit shall be obtained, as applicable.

Section 603.4.6. Sight Distance for Driveways. See Section 803.3.

Section 603.5. Paving, Grading and Drainage.

Section 603.5.1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

Section 603.5.2. Except for landscaped areas, all portions of required parking, loading facilities and driveways abutting dwellings shall be surfaced with asphalt or concrete or decorative paving blocks.

Section 603.6. Lighting of Parking Areas. See Section 511 "Light and Glare Control."

Section 603.7. Paved Area Setbacks (Including Off-Street Parking Setbacks).

Section 603.7.1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.

Section 603.7.2. Uses within the Paved Area Setback.

Section 603.7.2.1. The paved area setback required by this section, together with any existing legal street right-of-way area that is not used as a cartway, street shoulder or on-street parking, shall be maintained in natural groundcover (such as grass) and shall not be used for any of the following:

Section 603.7.2.1.1. Paving, except for approved driveway/ access drive entrances and except any concrete sidewalks or asphalt bike paths of eight feet wide or less,

Section 603.7.2.1.2. Fences, or

Section 603.7.2.1.3. Parking, storage or display of vehicles or items for sale or rent.

Section 603.7.2.1.3.1. A paved area setback may include the following:

Section 603.7.2.1.3.1. Permitted freestanding signs,

Section 603.7.2.1.3.2. Storm water facilities that are primarily vegetated.

Section 603.7.2.1.3.3. Concrete sidewalks or asphalt bike paths of eight feet wide or less, and

Section 603.7.2.1.3.4. Approved driveway crossings.

Section 603.7.3. Width of Paved Area Parking Setbacks. Any commercial, industrial, institutional, townhouse or apartment use shall provide paved area setbacks as follows:

If a paved area abuts:	Minimum paved area setback (measured from the proposed edge of paving and gravel of the street after development)
Arterial or collector street:	
- for lot with 2 acres or less of impervious coverage	10 feet
- for lot with more than 2 acres of impervious coverage	15 feet
Local street:	5 feet

Section 603.7.4. Buffer Areas Between Uses. See Section 803.4.

Section 603.8. Paved Area Landscaping (Parking Lot Trees).

Section 603.8.1. Intent. This section is primarily intended to reduce the thermal pollution of surface waters from parking lot runoff.

Section 603.8.2. Any lot that would include more than five parking spaces shall be required to provide landscaped areas within the paved area.

Section 603.8.3. One deciduous tree shall be required for every 3,000 square feet of paved area. This number of trees shall be in addition to any trees required by any other section of this Zoning Ordinance or by *the Foster Township Subdivision and Land Development Ordinance*.

Section 603.8.4. Trees required by this section shall meet the following standards:

Section 603.8.4.1. Type of Trees Permitted. A recommended tree list is provided for in the Landscaping Section of the *Foster Township Subdivision and Land Development Ordinance*. Other allowable may be acceptable to either the Zoning Officer or Township proving that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

Note- This Zoning Ordinance only regulates the species of trees are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

Section 603.9. Handicapped Parking Spaces.

Section 603.9.1. Number of Spaces. Any lot including one or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans with Disabilities Act:

Table 3. Required Number of Handicap Parking Stalls

Total Number of Required Parking Spaces on the Lot	(Column A) Minimum Number of Accessible Parking Spaces (car and van)	Minimum Number of Van-Accessible Parking Spaces (1 of six accessible spaces)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1,000	2% of required spaces	1/6 of Column A*
1,001 or more	20 plus 1% of required number over 1,000	1/6 of Column A*
*one out of every 6 accessible spaces		

Table Based on the ADA 2010 Standards (208.2)

Section 603.9.2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

Section 603.9.3. Minimum Size. Each required handicapped parking space shall be ten by 20 feet. In addition, each space shall be adjacent to a five-foot-wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight feet width instead of five feet.

Section 603.9.4. Slope. Handicapped parking spaces shall be located in areas of less than two (2) percent slope in any direction.

Section 603.9.5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.

Section 604 Off-Street Loading.

Section 604.1. General Requirements.

Section 604.1.1. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use.

Section 604.1.2. At the time of site plan or land development review, the applicant shall provide evidence to the Planning Agency, who may advise the Zoning Officer, on whether the use will have sufficient numbers and sizes of loading facilities. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

Section 604.2. Design and Layout of Loading Facilities. Off-street loading facilities shall meet the following requirements:

Section 604.2.1. Each off-street loading space shall be sufficient in size to accommodate the largest vehicle that can reasonably be expected to use such space but shall not be less than 300 square feet in area with a minimum clearance of fourteen feet.

Section 604.2.2. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance, or a serious impediment to traffic off the lot.

Section 604.2.3. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, paved area setbacks and street rights-of-way.

Section 605 Fire Lanes.

Section 605.1. The specific locations of these lanes are subject to review by Township Fire Officials.

Section 605.1.1. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.

Section 605.1.2. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-

family/apartment buildings. This access shall be able to support a loaded fire pumper truck but shall not necessarily be paved.

Section 605.1.3. The specific locations of fire lanes are subject to approval by local Fire Officials.

Chapter 7 SIGNS.

Section 701 Applicability.

Section 701.1. Purposes. This Chapter is intended to: promote and maintain overall community beautification; establish reasonable time, place, and manner regulations on the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure compatibility with the neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.

Section 701.2. Permit Required. A permit under this Zoning Ordinance shall be required for all signs except for: a) signs meeting the requirements of Section 703, and b) window signs that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Zoning Ordinance within the applicable District shall be allowed. Any sign that is moved to another location either on the same or to other premises, shall be considered a new sign and a permit shall be secured for any work performed in connection therewith.

Section 701.3. Changes on Signs. Lawfully existing signs may be painted, repaired, or changed in message without a new permit under this Zoning Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increase non-conformity with this Zoning Ordinance.

Section 702 Nonconforming Signs.

Section 702.1. Signs legally existing at the time of enactment of this Zoning Ordinance that do not conform to the requirements of the Zoning Ordinance shall be considered nonconforming signs. An existing lawful nonconforming sign may be replaced with a new nonconforming sign provided that the new sign is not more nonconforming in any way than the old sign.

Section 703 Miscellaneous Signs Not Requiring Permits.

Section 703.1. The following signs shall be permitted by right within all zoning districts within the following regulations and shall not be required to have a permit under this Chapter. Unless otherwise stated, each sign listed below shall have a maximum height of ten feet.

Table 4. Miscellaneous Signs Not Requiring Permits.

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
Agricultural Products Sign. Advertises the sale of agricultural or livestock products primarily produced or raised on the premises of a principal agricultural use, or the seasonal sale of Christmas trees. This may also include a sign denoting membership in agricultural associations and cooperatives or specialization in a particular type of livestock or plant.	2	8	12	Shall only be posted during seasons when such products are actively offered for sale.
Charitable Event Sign. Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	8	32	Shall be place a maximum of 30 days prior to event and removed a maximum of 7 days after event.
Contractor's Sign. Advertises a building trade person, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	12 each	20 each	Shall only be permitted while work is actively and clearly underway and a maximum of 10 days afterward. Signs shall not be placed on the lot for more than 1 year, unless a 1-year extension is granted by the Zoning Officer. Shall not be illuminated.
Directional Sign. Sign provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, directions towards a temporary fair, fire lanes, parking, or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3 each, other than sign painted on pavement.	3 each, other than signs painted on pavement.	Directions signs within a residential development shall not be illuminated. Signs directing persons to a fair or similar special event shall not be posted earlier than 2 weeks before the event and be removed within 1 week afterwards.

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
Flag, Commercial. A banner or pennant made of fabric or similar material that is hung in such a way to flow in the wind and that include some type of commercial message.	2	20 each	20 each	In addition, flags of any nation or level of government or that only include colors and no commercial message are not regulated by this Zoning Ordinance.
Garage Sale Sign. Advertises an occasional garage sale, porch sale or auction.	4 per event	4 per sign	4 per sign	Shall be placed a maximum of 3 days before permitted garage sale or auction begins and be removed maximum of 24 hours after event ends.
Home Occupation Sign. Advertises a permitted home occupation	2	1.5	4	Shall not be illuminated. May be painted on a mailbox.
Identification Sign. Only identifies the name and occupation of the resident and the name, street address and use of a lot, but that does not include advertising.	1	1.5, except 2 for a principal non-residential use.	6	
Open House Sign. Advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4 each	4 each	Shall be place maximum of 5 days before open house begins and be removed maximum of 24 hours after open house ends. Sign shall not be posted more than 5 consecutive days.

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
Political Sign. Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body. Persons posting political signs shall deposit $25 with the Township Secretary. The return of the deposit shall be conditioned on the removal of all signs within 30 days after the election. This requirement shall apply to signs posted in front of a dwelling or business with permission of the owner of the property, in front of polling places on election day or for a Federal office.	4	32 total	32 total	Shall be placed a maximum of 90 days prior to election, vote or referendum and removed a maximum of 10 days after the election, vote, or referendum. Persons posting political signs shall maintain a written list of location of signs. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
Proposed Development Sign. Announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the Township, and which would involve a minimum of 10 dwelling units or a nonresidential principal building.	1	8	20	Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the Township and shall be removed when any of the following occur: 1) if plan is rejected or withdrawn, 2) for a residential development, when all of the approved units are sold, or 3) for a nonresidential development, when a permanent sign is placed.
Public Services Sign. Advertises the availability of restrooms, telephone, or other similar public convenience.	No max.	2 each	2 each	

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
Real Estate Sign. Advertises the availability of property on which the sign is located for sale, rent, or lease.	1 per street the lot abuts.	3 each	12 each	Shall only be placed on the property while it is actively for sale, lease or rent and shall be removed a maximum of 7 days after settlement or start of lease.
Service Organization/Place of Worship Sign. An off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and an arrow direction persons to the location.	2	2 each	2 each	Maximum of 2 signs per organization or place of worship
Trespassing Sign. Indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting or fishing on the lot.	No max.	4 each	4 each	A change, during 2020, in Title 18, the state Crimes Code, gives landowners the option of using purple paint, rather than signs, to post their properties and alert others that lands are private, and trespassing isn't permitted.

*Maximum sign areas are for each two sides of each permitted sign, measured in square feet.

In addition, the following signs are not regulated by this Zoning Ordinance.

Section 703.2. Historic Sign. Memorializes an important historic place, event, or person and that is specifically authorized by the Township, County, State or Federal agency.

Section 703.3. Holiday Decorations. Commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.

Section 703.4. Not Readable Sign. Not readable from any public street or any exterior lot line.

Section 703.5. Official Sign. Erected by the State, County, Township, or other legally constituted governmental body, or specifically authorized by Township Ordinance or resolution, and which exists for public purposes.

Section 703.6. Required Sign. Only includes information required to be posted outdoors by a government agency or the Township.

Section 703.7. Right-of-Way Sign. Posted within the existing right-of-way of a public street and officially authorized by the Township or PENNDOT.

Section 704 Freestanding, Wall, and Window Signs.

Section 704.1. The following are the signs permitted on a lot within the specified district and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Chapter. See definitions of the types of signs in Section 711.1.

Zoning District or Type of Use	Max. Height of Free-Standing Signs**	Max. Sign Area of Wall Signs (Permitted on a max. of two building faces)	Max Sign Area of Window Signs (Max of 1 side per sign)	Max. Sign Area (each of 2 sides) and Number of Free-Standing Signs
In a Residential District for permitted non-residential principal buildings.	8 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located, up to a max. of 32 sq. ft. on each face of each principal building.	Max. of 5% of the area of the building face on which the sign(s) are located.	Max of 1 sign per street that the use abuts upon, with a max. area of 32 sq. ft. per side. Such sign shall not be internally illuminated.
In a Residential District - other than uses listed above.	Not permitted, except for identification sign within Section 703.	Not permitted	Not permitted.	Not permitted. See permitted signs in Section 703.
In the Commercial Districts. ***	15 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located.	Max. total of 20% of the area of the building face on which such signs are located. Plus, temporary banners and signs posted a total max. of 30 days per year with a max total area of 32 sq. ft.	Max. of 1 sign structure per abutting public street, with a total max. sign area of all freestanding signs of 20 sq. ft. (on each of 2 sides) facing each abutting public street.
In the Industrial Districts. ***	20 feet	Max. total of 15% of the area of the building face on which each sign or set of signs are located.	Max. total of 20% of the area of the building face on which signs are located. plus, temporary banners and signs posted a total maximum of 30 days per year with a maximum total area of 32 sq. ft.	Max. of 2 sign structures per abutting public street, with a total max. sign area of all freestanding signs of 32 sq. ft. (on each of 2 sides) facing each abutting public street.

** See definition of Sign Height in Section 711.

***Signs for non-business uses shall be regulated as if such use would be within a residential district.

Section 704.1.1. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the total height of the building to which they are attached.

Section 704.1.2. Portable Signs.

Section 704.1.2.1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign, but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Zoning Ordinance.

Section 704.1.2.2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis that allows it to be towed from one location to another or that can be transported on a flatbed truck and that is not permanently attached to a building or the ground.

Section 704.1.2.3. A Portable Sign, including any such sign that may have been displayed prior to the adoption of this Zoning Ordinance and which does not have a lawful permit as a permanent sign, shall only be permitted if it meets all of the following requirements:

Section 704.1.2.3.1. Shall be permitted only on the lot of a permitted principal commercial use.

Section 704.1.2.3.2. Shall have a maximum sign area of 40 square feet on each of a maximum of two sides.

Section 704.1.2.3.3. Shall only include one sign per principal use or per lot, whichever is more restrictive.

Section 704.1.2.3.4. Shall need a sign permit, which shall state the dates during which the sign may be displayed.

Section 704.1.2.3.5. Shall only be displayed on a lot for one period per year, which shall not exceed 30 days during a calendar year. Failure to remove the sign after the 30 days shall constitute a zoning violation.

Section 704.1.2.3.6. Shall not obstruct safe sight distance to vehicles within or off the lot. Shall not be placed within the existing street right-of-way.

Section 704.1.2.3.7. Shall not include flashing or blinking lights.

Section 705 Abandoned or Outdated Signs.

Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

Section 706 Location of Signs.

The following shall regulate the location of signs:

Section 706.1. Setback from Streets. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs shall be erected within or project over any existing or established future street right-of-way except when such signs are required in connection with the provision of municipal services.

The main supporting structure of all free-standing business signs and freestanding signs permitted in residential or other districts shall not be located closer than five feet to any curb line, except for official traffic signs or other government signs.

Signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward more than 36 inches from the wall to which it is attached, unless the sidewalk is more than nine feet wide; and in no event shall the farthest point of projection be closer than six feet to the curb line where the sidewalk is wider than nine feet.

Section 706.2. Sight Distance. No sign shall be so located or arranged that it interferes with the sight distance requirements of Section 803.3 or safe sight distances for vehicles within a lot. Signs in a location that may reduce sight distance shall have a minimum clearance of three feet above the ground, except for structural posts.

Section 706.3. Off-Premises, no signs except permitted Off-Premises, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.

Section 706.4. Setbacks from Lot Lines. A freestanding sign for a commercial or industrial business shall not be located within 10 feet of the lot line of a "residential lot line." A sign is not required to meet setback requirements for accessory structures.

Section 706.5. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole unless permission has been received by the owner.

Section 706.6. Utility Poles. No sign shall be stapled or nailed to a utility pole, except by an authorized utility. See also Section 709.7.

Section 707 Illumination of Signs.

Section 707.1. See Section 511, "Light, Glare and Heat Control."

Section 707.2. Times of Illumination. It is strongly encouraged that signs within 200 feet of a dwelling or a residential district not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

Section 708 Vehicles Functioning as Signs.

Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

Section 709 Prohibited Signs.

The following signs are prohibited in all zoning districts:

Section 709.1. Spinners or any moving object used to attract attention to a commercial use.

Section 709.2. Flashing, blinking, twinkling, animated or moving signs of any type, except time and temperature signs. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.

Section 709.3. Signs that emit smoke, visible vapors, or particles, sound, or odor.

Section 709.4. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Zoning Ordinance.

Section 709.5. Signs that are of such character, form, shape, or color that they imitate or resemble any official traffic sign, signal, or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger" or "Stop").

Section 709.6. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency.

Section 709.7. Signs attached by tacks, staples, or other metal fasteners to utility poles.

Section 710 Construction of Signs.

Section 710.1. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

Section 711 Measurement and Major Types of Signs.

Section 711.1. Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Chapter:

Building Face. The vertical area of a particular side of a building, including the vertical area in front of any slanted roof.

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

Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Chapter.

Illuminated Sign, internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.

Off-Premises Sign. See Chapter 2.

Sign. See Chapter 2.

Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than two feet from such wall.

Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

Section 711.2. Measurement of Sign Area.

Section 711.2.1. Sign area shall include all lettering, wording, and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several

signs that are all attached to one structure. with the total "sign area" being the total area of all signs on the structure.

Section 711.2.2. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering, or sign and if such area is clearly incidental to the sign area itself.

Section 711.2.3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.

Section 711.2.4. In computing the permitted sign area of a sign with two sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ).

Section 711.2.5. Unless otherwise specified, all square footages in regard to signs are maximum sizes.

Section 711.3. Flags and banners are permitted provided that any flag or banner having a commercial message shall be regulated the same as a sign.

Section 712 Off-Premises Signs (Including Billboards).

Section 712.1. Purposes. Off-premise signs are controlled by this Zoning Ordinance for the following purpose, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within proximity to existing residences; prevent glare on adjacent property and streets; protect the open space and natural character of areas of the Township; avoid the creation of additional visual distractions to motorists, especially along the busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premise signs, on premise signs and temporary signs and printed and electronic media; recognize that this Zoning Ordinance allows every landowner a reasonable use for their land; avoid off-premise signs that would have an unfair advantage over on premise signs in the competition for attention, because off-premise signs typically are higher and larger than on premise signs; carry out the purposes listed in Section 701.

Section 712.2. Nonconforming Off-Premises Signs. This section is not intended to require the removal of an existing lawfully placed off-premises sign that is in structurally sound condition.

Section 712.3. Commercial and Noncommercial. This section applies to both commercial and noncommercial off-premises signs except as may be specifically provided for elsewhere in this Zoning Ordinance.

Section 712.4. PENNDOT Sign. Signs erected and maintained by the PENNDOT are permitted by-right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.

Section 712.5. Based directly on the intent statements within this Zoning Ordinance, off-premises signs are only permitted if they meet the following requirements, except for "Signs Not Requiring a Permit" under Section 703.

Section 712.5.1. District. An off-premises sign is only permitted in the Commercial and Industrial Districts and shall require conditional use approval.

Section 712.5.2. Location. An off-premises sign is only permitted within a maximum of 200 feet of existing right-of-way of an arterial street and a minimum of ten feet from any non-residential lot line. Any off-premises sign shall be setback a minimum of 20 feet from all existing and future street rights-of-way. No off-premises sign shall be located within 200 feet of an existing "residential lot line".

Section 712.5.3. Maximum Sign Area. 200 square feet.

Section 712.5.4. Spacing. Any off-premises sign shall be separated by a minimum of 1,500 feet from any other off-premises sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premises sign.

Section 712.5.5. Maximum Height. 80 feet. See definition in Section 711.

Section 712.5.6. Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign. Off-premises signs shall have a maximum of two sign faces.

Section 712.5.7. Lighting and Glare. No off-premises sign shall be illuminated.

Section 712.6. No billboards are permitted on any lot with frontage on Route 901.

Chapter 8 GENERAL REGULATIONS.

Section 801 Frontage Onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings.

Section 801.1. Frontage Required onto Improved Street.

Section 801.1.1. Every principal building shall be built on a lot with permanent access on a public street or a private street that is: a) improved to meet Township standards including a street right-of-way, or b) for which such improvements have been insured by the posting of a performance guarantee pursuant to the applicable Subdivision and Land Development Ordinance. In the case of townhouses, this requirement may be met by access onto a parking court that has access onto such street.

Section 801.1.2. If a pre-existing lawful lot only has access onto an existing private street that does not meet Township standards and the improvement of that street is reasonably beyond the control of the applicant, or the lot only has access via a legal easement, the lot may be used for a single permitted by right use, but no new lots shall be created that will not be able to meet the above requirement of Section 801.1.1.

Section 801.1.3. Building Facades.

Section 801.1.3.1. The building facade which fronts on a public street shall be considered a front building facade and shall be designed and constructed with an architectural treatment consistent with the street.

Section 801.1.3.2. For buildings on corner lots, one of the facades of the building which front on a public street shall be designated a front building facade.

Section 801.1.4. Multiple Uses in a Building. Occupancy of a principal commercial or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this Zoning Ordinance are satisfied.

Section 801.1.5. Multiple Buildings on a Lot.

Section 801.1.5.1. More than one building housing one permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this Zoning Ordinance shall be met for each building as though it were on an individual lot. However, if two or more: approved townhouse buildings, apartment

buildings or buildings in a Commercial or Industrial district are placed on one lot those buildings shall only be required to meet the yard requirements around the perimeter of the lot and shall only be required to meet the specified lot area requirements.

Section 801.1.5.2. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity.

Section 801.1.6. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of habitable, indoor, heated floor area.

Section 802 Height Exceptions.

Section 802.1. The maximum structure height specified for each district shall not apply to: farm silos and associated agricultural structures, communications towers, amateur radio antenna, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, chimneys, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. In addition, a pitched roof may extend beyond the maximum building height within an area equal to a maximum of ten percent of the building footprint to allow for architectural features, provided that such space is not intended to be occupied.

Section 803 Special Lot and Yard Requirements, Sight Distance and Buffer Yards.

Section 803.1. In General.

Section 803.1.1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Zoning Ordinance. This includes, but is not limited to, setback areas, non- impervious areas, and off-street parking areas.

Section 803.1.2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

Section 803.2. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

Section 803.2.1. Nonconforming Lots. See Chapter 9.

Section 803.2.2. Corner Lots. A setback area equal to the minimum front yard setback shall be provided along all portions of a corner lot abutting any public street, except where otherwise provided by this Ordinance or the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street.

Section 803.2.3. Projections into Required Yards.

Section 803.2.3.1. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain gutters, or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than four feet.

Section 803.2.3.2. Front or rear porches or decks and accompanying steps, whether covered or uncovered, that are not enclosed and do not have walls of mostly solid material, glass, or plexiglass and that abut the principal building may project up to eight feet into the required front yard setback and up to 15 feet into a required rear yard setback.

Section 803.2.4. Septic Systems. Nothing in this Zoning Ordinance shall prevent the Municipal Sewage Enforcement Officer from requiring a minimum lot area larger than what is stated in this Zoning Ordinance to carry out State and Township sewage regulations.

Section 803.2.5. Previously Approved Setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this Zoning Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this Zoning Ordinance.

Section 803.2.6. Front Yard Setback Exception. When an unimproved lot is situated between two lots with existing principal buildings that each have front yard setbacks less than the setback required in that District, then the front yard setback may be reduced to a depth equal to the average of the two adjacent lots, provided that in no case shall a front yard be reduced by more than 50 percent of the required front yard for that District.

Section 803.3. Clear Sight Triangles (Sight Distance at Intersections)

Section 803.3.1. Intent. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.

Section 803.3.2. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions meet the requirements of the Foster Township Subdivision and Land Development Ordinance (SALDO). This area includes structures, nontransparent fences, vegetation, and signs (but not including signposts of less than one foot in width or utility posts or the trunks of trees).

Section 803.3.3. This sight distance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.

Section 803.3.4. The clear sight triangle shall be measured a distance of 75 feet along the centerline of each street, measured from the intersection of the centerlines. However, the length shall be 150 feet along the centerline of the arterial street. The two resulting lines shall then be connected by a third longer leg if the triangle.

Section 803.4. Buffer Yards.

Section 803.4.1. Buffer yards required by this section are intended to separate different land uses from each other and are intended to eliminate and/or minimize nuisances such as dirt, litter, noise, glare, signs, unsightly buildings, or parking areas, and to provide spacing to reduce adverse impacts on noise, light, odor, or danger from fire and explosions.

Section 803.4.2. In Buffer yards

Section 803.4.2.1. space trees and shrubs randomly,

Section 803.4.2.2. Avoid trees in a single row,

Section 803.4.2.3. Group trees and shrubs to simulate a natural appearance, and

Section 803.4.2.4. create interest by combining canopy trees, intermediate trees, shrubs, vines, and ground covers.

Section 803.4.3. For walls

Section 803.4.3.1. Use undulating, concerting, and piers to increase structural stability and reduce wall sections and

Section 803.4.3.2. use varying types of wall material such as rough cut, ledge, flagstone, formed concrete, stacked block, tile, or precast units.

Section 803.4.4. Buffer yards shall meet the following requirements:

Section 803.4.4.1. A buffer yard shall be located at the perimeter of the lot for any given use and shall not be located in any portion of public right-of-way or proposed right-of-way.

Section 803.4.5. Permitted uses in a buffer yard: stormwater management facilities, underground utility facilities, picnic areas, greenways, or pedestrian walkways. Buildings or storage of any kind shall not be permitted in a buffer yard.

Section 803.4.6. A buffer yard and screening shall be provided between districts and used as follows:

Section 803.4.6.1. A buffer yard of 50 feet shall be required between residential uses or districts and non-residential uses or districts. Level three screening shall be required within the buffer yard.

Section 803.4.6.2. A buffer yard of 25 feet shall be required between multifamily residential use or district and single-family/two-family residential uses or districts. Level one screening shall be required within the buffer yard.

Section 803.4.6.3. A buffer yard of 50 feet shall be required between residential uses or districts and industrial uses and districts. Level three screening (see Section 803.5) shall be required within the buffer yard.

Section 803.4.6.4. A buffer yard of 25 feet shall be required between commercial uses or district and industrial uses or district. Level two screening (see Section 803.5) shall be required within the buffer yard.

Section 803.4.6.5. A buffer yard of 50 feet shall be provided where residential uses or districts are adjacent to minor arterial streets; in this case Level one screening (see Section 803.5) shall be

required. A buffer yard of 100 feet shall be provided where residential uses or districts are adjacent to interstate highways; in this case Level three screening (see Section 803.5) shall be required within the buffer yard.

Section 803.4.7. Parking lots shall not encroach into a buffer yard. Buffer yards shall not be used for parking.

Section 803.4.8. Buffer Yard Width, When Required. Buffer yards with evergreen screening shall be required in the following situations, with whichever is most restrictive applying.

Section 803.4.9. Location of Buffer Yards.

Section 803.4.9.1. The buffer yard shall be measured from the district boundary line, future street right-of-way line or lot line, whichever is applicable.

Section 803.4.9.2. Plants needed for the visual screen shall not be placed within future street right-of-way. The required buffer yard width shall be in addition to the required future street right-of-way.

Section 803.4.9.3. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

Section 803.4.9.4. Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than eight inches.

Section 803.4.9.5. Fence. Ornamental or wooden fences may be located anywhere within a buffer yard. All other types of fences (such as chain link) within a buffer yard shall be placed on the inside of any required plant screening.

Section 803.5. Screening

Section 803.5.1. Screening shall be provided as required. The purpose of screening is provide an effective visual barrier and to protect property against traffic, trespass, noise, heat, glare, dust, unsightly or distracting activity, to preserve property values, and assure compatibility of uses.

Section 803.5.2. The following list describes various levels of screening.

Section 803.5.2.1. Level One Plant Screen.

Section 803.5.2.1.1. (1) This buffer shall contain screening materials which, at maturity, provide intermittent visual obstruction from the ground to a height of four feet as well as intermittent visual obstruction from a height of four feet to a height of 30 feet. Vegetative materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plant's maturity. Grouping of plant materials is encouraged to achieve a more natural appearance.

Section 803.5.2.1.2. Evergreen trees: minimum five-foot planting height

Section 803.5.2.1.3. Deciduous trees: minimum two-inch caliper and six- foot planting height

Section 803.5.2.1.4. Shrubs: eighteen-inch planting height, reaching a minimum of 30 inches within two years. All shrubs (deciduous or evergreen) must have a minimum spread of 12 to 15 inches when planted.

Section 803.5.2.1.5. Minimum planting width: 10 feet

Section 803.5.2.2. Level Two Plant Screen.

Section 803.5.2.2.1. This buffer shall contain screening materials which, at maturity, provide semi-opacity from the ground to a height of six feet and intermittent visual obstruction from a height of six feet to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; and vegetative screening material within semi-opaque areas shall contain openings no greater than 15 feet in width upon the plant's maturity. Grouping of plant material is encouraged to achieve a more natural appearance.

Section 803.5.2.2.2. Evergreen trees: minimum five foot planting height

Section 803.5.2.2.3. Deciduous trees: minimum two-inch caliper and six foot planting height

Section 803.5.2.2.4. Shrubs: minimum eighteen- inch planting height, reaching a minimum of 30 inches with two years. All shrubs (deciduous and evergreen) must have a minimum spread of 12 to 15 inches when planted.

Section 803.5.2.2.5. Minimum planting width: 10 feet

Section 803.5.2.3. Level Three Plant Screen.

Section 803.5.2.3.1. This buffer shall contain screening materials which, at maturity, provide opacity from the ground to a height of 30 feet. Vegetative screening materials within opaque areas shall contain no horizontal openings upon the plant's maturity. Trees within this buffer shall consist primarily of Eastern white pine and Norway spruce grouped to achieve a desired opacity. Screening shall consist of a combination, in longitudinal series, of at least two of the following options.

Section 803.5.2.3.2. Option A: Fence Screen

Section 803.5.2.3.2.1. Minimum six foot high freestanding/ retaining wall or solid fence

Section 803.5.2.3.2.2. Evergreen trees: minimum five foot tree planting height.

Section 803.5.2.3.2.3. Minimum planting width: 12 feet

Section 803.5.2.3.3. Option B: Evergreen tree screen

Section 803.5.2.3.3.1. Evergreen trees: minimum eight- foot tree planting height.

Section 803.5.2.3.3.2. Composition adequate to achieve a solid screen from zero to six feet in height two years after planting.

Section 803.5.2.3.3.3. Minimum planting width: 12 feet.

Section 803.5.2.3.4. Option C: Berm Screen

Section 803.5.2.3.4.1. Berm: minimum six foot height, and berm slopes 3:1 and less steep, and eight foot minimum top width.

Section 803.5.2.3.4.2. Lawn, groundcover, shrubs and trees: minimum six foot tree planting height and adequate to provide a continuous bed of vegetative groundcover over at least 95% of the berm area within two years of planting.

Section 803.5.2.3.5. Option D: Steep berm screen

Section 803.5.2.3.5.1. Steep berm: minimum six-foot tree planting height, composed of lightly compacted soil with stability measures adequate to retain stable soil structure and prevent erosion, with slopes greater that 3:1 up to 2:1 maximum slope, and eight-foot minimum top width.

Section 803.5.2.3.5.2. Groundcover, shrubs and trees: adequate to achieve a continuous bed of vegetative cover over at least 95% of the berm within two years of planting, groundcover and shrubs to be chosen from the listing titled Vegetation Acceptable for Erosion Control, and composition adequate to achieve a solid screen from zero-foot to six-foot height two years after planting considering the expected plant size two years after planting.

Section 803.5.3. Outdoor storage or any material stocks, or equipment, including but not limited

Section 803.5.4. to motor vehicles, farm, or construction equipment, including but not limited to motor vehicles, farm or construction equipment or other similar items.

Section 803.5.5. Uses

Section 803.5.5.1. The following specific uses or features shall be screened with a Level three screening from adjacent properties and from public view from a street

Section 803.5.5.1.1. Dumpster and trash handling areas

Section 803.5.5.1.2. Loading docks or spaces

Section 803.5.5.1.3. Rooftop equipment shall be visually screened with a wall, fence, or permanent enclosure

Section 803.5.5.1.4. Service entrances and utility facilities

Section 803.5.5.1.5. Natural and/or man made swales, basins, and stormwater management facilities

Section 803.6. Buffer Yard Plans.

Section 803.6.1. Prior to the issuance of a permit under this Zoning Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:

Section 803.6.1.1. The location and arrangement of each buffer yard,

Section 803.6.1.2. The placement, general selection of species and initial size of all plant materials, and

Section 803.6.1.3. The placement, size, materials, and type of all fences to be placed in such buffer yard.

Section 803.6.2. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Zoning Ordinance.

Section 803.6.3. Species of Plants in Visual Screens. Trees and shrubs needed to form a required visual screen shall be of the following or closely related species, unless the applicant proves to satisfaction of the Planning Agency, Township Supervisors or Zoning Officer that a substitution would be appropriate. A required visual screen shall primarily include evergreen plants. Leafy deciduous plants may be selectively used provided that their use does not result in significant visual openings during the winter. If more than 25 plants are needed to form a visual screen, then a maximum of 75 percent of such plants shall be of one species.

Buxus - all varieties of Boxwood
Caragana arborescens - Siberian Pea Shrub

Cephalanthus Occidentalis - Button Bush
Chaenomeles Japonica - Flowering Quince
Cornus - all varieties of Dogwood
Cotoneaster divaricata - Spreading or Upright Cotoneaster
Crataegus crusgafli - Cockspur Thom
Crataegua phanenopyum - Washington Hawthorn
Elaeagnus angustifolia - Russian Olive
Eucalyptus - all varieties of Eucalyptus
Euonymus - all varieties of Euonymus
Forsythia spectablilis - Showy Forsythia
Hamamelis - all varieties of Witch Hazel
Hydrangea arbrescens - Hills of Snow Hyrangea
Ilex - all varieties of Holly
Juniperus - all varieties of Junipers
Kolkwitzia amabilis - Beauty Bush
Laurus mobilis - Sweet-Bay
Ligustrum - all varieties of Privet
Lonicera - all varieties of Honeysuckle
Magnolia stellata - Star Magnolia
Picea - all varieties of Spruces
Pinus - all varieties of Pines
Photinia - all varieties of Photinia
Pseudotsuga - all varieties of Firs
Pyracantha laiandei - Laland Firethorn
Rhamnus davurica - Dahurian Buckthorn
Rhamnus frangula - Glossy or Alter Buckthorn
Spirea - all varieties of Spirea
Syringa - all varieties of Lilac
Taxus - all varieties of Yews (avoid near livestock)
Thuja occidentalis - American Arborvitae
Thuga origentalis - Oriental Arborvitae
Tsuga - all varieties of Hemlocks
Viburnum - all varieties of Viburnum

Section 804 Landscaping.

Section 804.1. Groundcover. Any part of a commercial, industrial, institutional, or garden apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.

Section 804.2. See Section 603.8 regarding Paved Area Landscaping and Section 803.4 regarding Buffer Yards.

Section 804.3. Type of Trees. Required trees shall be chosen from the list of approved street trees as contained in the Foster Township Subdivision and Land Development Ordinance, unless the applicant proves to the satisfaction of the Township that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

Section 804.4. Landscape Maintenance. All landscaping required by this Ordinance shall be perpetually maintained by the property-owner. If such landscaping dies, is removed, or is severely damaged, it shall be replaced by the current property-owner as soon as is practical considering growing seasons.

Section 805 Temporary Uses.

Section 805.1. A temporary permit may be issued by the Zoning Officer for any of the following:

Section 805.1.1. Any temporary use that meets the requirements of this Zoning Ordinance.

Section 805.1.2. Customary, routine, and accessory short-term special events, provided that:

Section 805.1.2.1. Only a well-established nonprofit organization or a lawful place of worship proposing a temporary use to clearly primarily serve a charitable. public service or religious purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted, and

Section 805.1.2.2. The Zoning Officer shall establish a reasonable limit on the duration of the use.

Section 805.1.3. Temporary construction-related trailers, structures and uses as provided for in Section 306.5. or

Section 805.1.4. The temporary erection of a tent or similar temporary structure that is not totally enclosed for a maximum of 14 days in any four-month period for clearly routine customarily accessory uses such as the following: a wedding in the rear yard of a dwelling, a festival by a place of worship or a special sale within the lot of a lawful commercial use.

Section 805.2. Removal. Prior to the issuance of a permit for a temporary use or structure, the Zoning Officer may require an applicant to present a statement from the owner of record of the land recognizing the application and accepting

responsibility to ensure that the use or structure is removed once the permit expires. Any temporary structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

Section 806 Subdivision and Land Development Ordinance Requirements Applying to Non-Residential Buildings.

Section 806.1. Any proposed development, construction, erection or placement of one or more new principal non-residential building(s), other than solely for an agricultural use, shall be required to submit a plan meeting the requirements for a preliminary plan and to meet all of the design standards and improvement specifications stated in the *Foster Township Subdivision and Land Development Ordinance*, except for submission requirements specifically waived in advance by the Township Engineer or Zoning Officer as being inapplicable to the proposal.

Section 807 Driveway Completion.

Section 807.1. Any driveway intended to provide access from a new principal building to a public street shall be completed and stabilized prior to issuance of a building permit for such principal building. It is the intent of the Township to reinspect each driveway approximately two years after issuance of a permit to ensure that the driveway was constructed according to approved plans.

Chapter 9 NONCONFORMITIES

Section 901 Proof and Registration of Nonconformities.

Section 901.1. It shall be the responsibility, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

Section 902 Continuation of Nonconformities.

Section 902.1. A lawful nonconforming use, structure or lot as defined by this Zoning Ordinance may be continued and may be sold and continued by new owners. Any expansion of construction upon or change in use of a nonconformity shall only occur in conformance with this section.

Section 902.2. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

Section 903 Expansion, Construction Upon or Change In Use Of Nonconformities.

Section 903.1. Nonconforming Structure.

Section 903.1.1. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:

Section 903.1.1.1. That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity, and

Section 903.1.1.2. That any expanded area will comply with the applicable setbacks in that District and other requirements of this Zoning Ordinance.

Section 903.1.2. If a nonconforming structure includes a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.

Section 903.2. Nonconforming Lots. For the purposes of this Zoning Ordinance, an existing lot shall only be considered to be a "nonconforming lot" if it has less lot area than is required by the applicable District requirements. A lot shall not be considered nonconforming because of insufficient lot width or a similar dimensional requirement.

Section 903.2.1. New permitted structures for a single permitted-by-right principal use and its customary accessory uses may be constructed, reconstructed, or expanded on a nonconforming lot of record as a permitted by-right use if all of the following requirements are met:

Section 903.2.1.1. The lot area is at least 20 percent of the minimum lot area.

Section 903.2.1.2. The lot is a lot of record that lawfully existed prior to the adoption of this Zoning Ordinance or an applicable subsequent amendment.

Section 903.2.1.3. Minimum setbacks and other requirements of this Zoning Ordinance are complied with for any new construction or expanded area.

Section 903.2.1.4. If a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drain field location.

Section 903.2.2. Merger of Lots. Contiguous parcels, tracts or lots under common ownership that are nonconforming because of lot area and that have a lot area of less than 10,000 square feet each shall be combined to form lots that would be conforming or less nonconforming. When lots, parcels or tracts are merged to result in a single lot, the individual pre-existing parcels shall not be sold separately.

Section 903.2.2.1. In any case, if two or more contiguous nonconforming parcels, lots or tracts under single ownership shall automatically be considered to be merged from the effective date of this Zoning Ordinance if land from one of the parcels, lots or tracts is needed to meet a lot area or setback requirement of a use on the abutting lot.

Section 903.2.3. If a proposed development on a nonconforming lot does not meet the requirements of the above subsections 1. and 2. Then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the PA. Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would less significantly adverse impacts upon the

established character of an existing residential neighborhood than the proposed use.

Section 903.3. Expansion of a Nonconforming Non-Residential Use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

Section 903.3.1. An expansion of more than ten percent in total building floor area shall require approval by the Zoning Hearing Board as a special exception. The same standards as listed in Section 120 for a conditional use shall apply.

Section 903.3.2. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

Section 903.3.3. The 1) total building floor area used by a nonconforming use, or the 2) total area covered by impervious surfaces of a nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond each such measurement that existed in such use at the time such use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.

Section 903.3.4. Any expansion of a nonconforming use shall meet the required setbacks. lot area. maximum height, building coverage and impervious coverage requirements of this Zoning Ordinance unless the Zoning Hearing Board grants a variance.

Section 903.4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded in floor area as a permitted by-right use provided that: a) the number of dwelling units is not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created, and d) a nonconformity is not made more severe (including the building area within the required setback area).

Section 904 Damaged or Destroyed Nonconformities.

Section 904.1. A nonconforming structure that has been destroyed or damaged equal to 50 percent or more of its total value by fire, windstorm. lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards permit/submission and c) no new nonconformity may

be created or increased by any reconstruction. Property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

Section 904.2. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.

Section 904.3. Nonconforming Use of Open Land. All nonconforming off-premises signs, junkyards, outside storage areas and similar nonconforming uses of open land, when damaged to an extent of 50 percent or more of replacement cost or when discontinued for more than six months, shall not be continued, repaired, or reconstructed.

Section 905 Abandonment of a Non-Conformity.

Section 905.1. If a nonconforming use of a building or land is discontinued, razed, removed, or abandoned for 365 or more days, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:

Section 905.1.1. As provided for in the "Damaged or Destroyed Non-conformities" provisions of this section, and

Section 905.1.2. If a nonconforming off-premises junkyard, outside storage area or similar nonconforming use of open land is discontinued for at least 30 days, the use shall not be continued, repaired, or reconstructed.

Section 905.2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

Section 906 Changes From One Nonconforming Use to Another Use.

Section 906.1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.

Section 906.2. A nonconforming use may be changed to another nonconforming use only if permitted as a Conditional Use by the Township Supervisors. The Township Supervisors shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:

Section 906.2.1. Traffic generation (especially truck traffic),

Section 906.2.2. Noise, dust, fumes, vapors. gases, odor, glare. vibration, fire, and explosive hazards,

Section 906.2.3. Amount and character of outdoor storage,

Section 906.2.4. Hours of operation if the use would be close to dwellings and

Section 906.2.5. Compatibility with the character of the surrounding area.

Chapter 10 AIRPORT OVERLAY

SPECIAL PROVISIONS IN APPROACH AREAS FOR SCHUYLKILL REGIONAL AIRPORT – JOE ZERBEY FIELD.

Section 1001 Applicability and Purpose.

Section 1001.1. This Chapter creates overlay zoning districts that regulate the height of structures and objects of natural growth, and otherwise regulates the use of property, in the vicinity of the Schuylkill County (Joe Zerbey) Airport, which are hereafter known as "the Airport." This Chapter establishes the boundaries of the overlay zoning districts and incorporates maps of the Airport Approach overlay zoning districts.

Section 1001.2. It is hereby found that an obstruction within the approaches to the Airports: 1) has the potential for endangering the lives and property of users of the Airports and property of occupants of land in the vicinity; 2) affect existing and future instrument approach minimums of the Airports; and 3) may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airports and the public investment therein. Accordingly, it is declared:

Section 1001.2.1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Airports.

Section 1001.2.2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

Section 1001.2.3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

Section 1001.3. Within an Airport Approach overlay district/zone, the applicable provisions of this Chapter shall apply in addition to all other requirements of this Ordinance. The land uses allowed by the underlying zoning district shall continue to be allowed, but the heights of structures shall be regulated in a more restricted manner as provided in this Chapter.

Section 1001.4. The Airport Approach Map is included in Attachment D.

Section 1002 Airport Approach Definitions.

Section 1002.1. For the purposes of this Chapter 10, the following terms shall have the following meanings:

Airports. Schuylkill Regional Airport – Joe Zerbey Field

Airport Elevation. The highest point of an airport's usable landing area measured in feet from sea level.

Airport Hazard. Any structure or object, natural or fabricated, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

Airport Hazard Area. Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Airport Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 1004. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in Section 1003.

Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Department. Pennsylvania Department of Transportation.

FAA. Federal Aviation Administration of the United States Department of Transportation.

Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height. For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the maps incorporated herein, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone.

Larger Than Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Person. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precisions Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved layout plan or any other planning document.

Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; or, when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 1003. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure. Any fabricated object, whether or not affixed to the land, subject to the following specific standards:

A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches, or decks that are covered by a permanent structure, swimming pools (whether above or below ground), storage sheds, carports, and garages.

B. Any structure shall be subject to the principal or accessory setbacks of this Zoning Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Zoning Ordinance.

Transitional Surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

Utility Runway. The runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

Zone. For the purposes of this Chapter, the term "Zone" shall have the same meaning as an overlay zoning district.

Section 1003 Airport Zones.

Section 1003.1. In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Bendigo and Schuylkill Regional (Joe Zerbey Field) Airports. Such zones are shown on maps prepared for each Airport, which are included in this Ordinance by reference and are part of this Ordinance. A copy of such maps shall be kept by the Zoning Officer. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows, with the intention that they be consistent with the Federal Aviation Administration (FAA) regulation found in 14 CFR §77.19:

Section 1003.1.1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Section 1003.1.2. Runway Larger Than Utility with A Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Section 1003.1.3. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

Section 1003.1.4. Horizontal Zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Section 1003.1.5. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

Section 1004 Airport Zone- Height Limitations.

Section 1004.1. Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained in any zone created by this Chapter to a height in excess of the applicable height limitations established for each of the zones in question as follows, with the intention that they be consistent with the Federal Aviation Administration (FAA) regulation found in 14 CFR §77.9:

Section 1004.1.1. Utility Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

Section 1004.1.2. Runway Larger Than Utility with A Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 20,000 feet along the extended runway centerline.

Section 1004.1.3. Transitional Zones. Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.

Section 1004.1.4. Horizontal Zone. Established at 150 feet above the airport elevation.

Section 1004.1.5. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

Section 1004.1.6. Expected Height Limitations. Nothing in this Chapter shall be construed as prohibiting the construction or maintenance of any structure to a height up to 150 feet above the surface of the land.

Section 1004.2. Permit Applications for property adjoining Schuylkill County (Joe Zerbey) Airport. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure 200' or greater above ground level or adds to an existing structure thereby increasing the height to 200' or greater above ground level and being within five (5) miles of the Airport shall notify the Schuylkill County Airport Authority of the applicant's intentions by submitting the appropriate FAA form, PADOT Form AV-57 and providing a copy of such form(s) to the Schuylkill County Airport Authority.

Section 1004.3. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

Section 1005 Airport Approach Use Restrictions.

Section 1005.1. Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 1006 Nonconforming Uses.

Section 1006.1. The regulations prescribed by this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of the effective date of this Chapter or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter and is diligently prosecuted.

Section 1006.1.1. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Schuylkill County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such Airport Hazard. Such markers and lights shall be installed, operated, and maintained at the expense of the Schuylkill County Airport Authority.

Section 1006.1.2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an Airport Hazard or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. A landowner with a tree that has grown in a way that intrudes into an airport approach zone is encouraged to allow the owner of the affected Airport to have access to trim the top of the tree as is necessary for safety.

Section 1006.1.3. Obstruction Marking and Lighting. Any special exception or variance granted may, if such action is deemed advisable, effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

Section 1006.1.4. Requests for Variances. Any request for a variance in accordance with Section 114 of this Ordinance shall be accompanied by a determination from the Federal Aviation.

Section 1006.2. Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance to the requirements of this Chapter may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the respective airport operator for advice as to the aeronautical effects of the requested variance. If the Airport Authority does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application.

Section 1007 Permits.

Section 1007.1. Future Uses. Except as specifically provided for in other sections of this ordinance, no material change shall be made in the use of land, and no structure shall be erected or otherwise established unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with this Ordinance.

Chapter 11 WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS

Section 1101 Applicability and Purpose.

Section 1101.1. Within the I-1, I-2, and A-1 Industrial Zones, warehousing and wholesale trade establishments may be permitted by permitted use, subject to the following criteria:

Section 1101.1.1. The Applicant shall provide a detailed description of the proposed use which addresses each of the following topics:

Section 1101.1.2. If known at the time of application, the nature of the on-site activities and operations, the type of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials.

Section 1101.1.3. If known at the time of application, the general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size; and

Section 1101.1.4. If known at the time of application, any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbances, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

Section 1101.2. Additional criteria.

Section 1101.2.1. The maximum building height shall be 150 feet.

Section 1101.2.2. The total maximum building lot coverage is as follows: 55%

Section 1101.2.3. The total maximum impervious coverage is as follows: 70%

Section 1101.2.4. A buffer yard shall be provided in accordance with Section 803.4.

Section 1101.2.5. Vegetative screening shall be provided where two different use types or districts meet in accordance with Section 803.5. The buffer yards shall be measured from the building lot line of the proposed warehouse.

Section 1101.2.6. Landscaping shall be provided in addition to any landscaping required by other Township regulations, except those required specifically as a buffer screen as set forth in Section 804.

Section 1101.2.7. The plants shall be arranged to provide a visual barrier of any nonresidential use. A minimum of one-half of the shrubbery and flowering trees should be planted on the residential side of the berm.

Section 1101.3. Idling restrictions. The applicant shall provide detailed description of what site features and/or signage will be proposed to ensure compliance with Pennsylvania Act 124 of 2008, as amended.

Section 1101.4. Operation at the time of development shall not exceed the noise restrictions criteria forth in Zoning Section 508.

Section 1101.5. The time of deliveries, hours of operation and all other activities are to be conducted on site and shall be provided to the Township with the submission of the occupant permit application.

Section 1101.6. Any drone operations shall be limited to 7:00 a.m. to 9:00 p.m. but not after sunset.

Section 1101.7. Off-street parking and loading shall be provide as required by Section 601; however, the Board of Supervisors shall have the discretion to impose additional conditions to ensure all staging and/or queuing occurs within the lot.

Section 1101.8. Truck access and operations shall not conflict with the convenience and safety of all the traffic and parking.

Section 1101.9. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or similar items shall not be stored, except incidental storage of trash (i.e., Dumpsters) and small quantities of hazardous material necessary for normal business operations such as cleaning supplies.

Section 1101.10. See requirements in Section 455 for outdoor storage and display requirements.

Section 1101.11. Access shall be to a collector or arterial roadway.

Section 1101.12. Comply with all of the general standards and conditions set forth in Chapters 5, 6, 7, and 8.

Section 1101.13. Off-street parking, loading spaces, staging spaces and docks required.

Section 1101.13.1. Off-street parking: 1.2 parking spaces for every employee at peak periods of operation.

Section 1101.13.2. Number of staging spaces: two ten-foot-by-eighty-foot truck "staging" spaces for every one loading/dock.

Section 1101.13.3. Number of loading spaces. There shall be one loading space for every dock.

Section 1101.14. Snow designation area/removal. Applicant shall provide a designated snow area. The designated snow area shall not include any parking space that is required for the site per the Zoning Ordinance.

Chapter 12 MEDICAL MARIJUANA FACILITIES

Section 1201 Applicability and Purpose.

Section 1201.1. The purpose of this section is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania Medical Marijuana Act (PA Act 16, 2016),

Section 1201.2. District regulations.

Section 1201.2.1. Medical marijuana Academic clinical research centers are permitted by special exception in the Light Industrial (I-1), Heavy Industrial (I-2), and Airport (A-1) Zoning Districts with consideration for the applicable performance standards found in Section 1201.3.1.

Section 1201.2.2. Medical marijuana grower/processors are permitted by special exception in the Light Industrial (I-1), Heavy Industrial (I-2), and Airport (A-1) Zoning Districts with consideration for the applicable performance standards found in Section 1201.3.2.

Section 1201.2.3. Medical marijuana transport vehicle offices are special exceptions within the Light Industrial (I-1), Heavy Industrial (I-2), and Airport (A-1) Zoning Districts, with consideration for the applicable performance standards found in Section 1201.3.3.

Section 1201.2.4. Medical marijuana dispensaries are permitted by special exception in the Commercial (C-1) Zoning District, with consideration for the applicable performance standards found in Section 1201.3.5.

Section 1201.3. Use regulations. The following are performance standards for medical marijuana facilities.

Section 1201.3.1. Academic Clinical Research Centers.

Section 1201.3.1.1. Parking requirements will follow the parking schedule found in Chapter 6, entitled "Off-street parking and locations," regulations and/or as listed for "College or University" as appropriate.

Section 1201.3.1.2. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the PADOH. The grower/processor facility shall not be located in a trailer, cargo

container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

Section 1201.3.1.3. All external lighting serving an academic clinical research center must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties in accordance with other sections of the Zoning Ordinance regarding lighting requirements.

Section 1201.3.1.4. A buffer planting is required where an academic clinical research center adjoins a residential use or district pursuant to the requirements of Section 803.4.

Section 1201.3.2. Medical marijuana grower/processor.

Section 1201.3.2.1. A medical marijuana grower/processor shall meet the same Township's zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same district.

Section 1201.3.2.2. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

Section 1201.3.2.3. A medical marijuana grower/processor shall meet the setback, parking, landscaping, coverage, and building height requirements required in the zoning district in which the use is permitted by right to determine the building envelope and lot coverage and shall meet all the bulk requirements of the underlying zoning district.

Section 1201.3.2.4. The maximum floor area of a medical marijuana grower/processor shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.

There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana

growing, processing, or testing occurs. If on-lot wells will be used to supply water, the requirements of PADEP shall be complied with. All stormwater discharge shall comply with the requirements of *Foster Township Storm Water Management and Earth Disturbance Ordinance* requirements.

Section 1201.3.2.5. Marijuana remnants and by-products shall be secured and properly disposed of in accordance with the PADOH policy and shall not be placed within any unsecure exterior refuse containers.

Section 1201.3.2.6. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

Section 1201.3.2.7. Grower/processors may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center.

Section 1201.3.2.8. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties in accordance with lighting requirements set forth in the Zoning Ordinance including, but not limited to, the requirements for proper lighting in Section 511.

Section 1201.3.2.9. Parking and loading facilities shall be designed in accordance with the requirements found in Chapter 6, entitled "Off-street parking and locations," regulations.

Section 1201.3.2.10. A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district in accordance with the requirements of Section 803.4.

Section 1201.3.2.11. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.

> **Section 1201.3.2.11.1.** All accesses must secure the appropriate highway occupancy permit from the Department of Transportation or, in the case of a local road, by Foster Township.

Section 1201.3.2.11.2. The clear sight triangle found in Section 803.3 general regulations must be considered and maintained.

Section 1201.3.2.11.3. The driveway must be designed and improved to the standards expressly described in Section 603.4, and in the *Foster Township Subdivision and Land Development Ordinance*.

Section 1201.3.2.12. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment and located in the rear of the building.

Section 1201.3.3. Medical marijuana transport vehicle service.

Section 1201.3.4. A traffic impact study, prepared by a Professional Engineer, licensed in PA is required subject to the requirements of *Foster Township Subdivision and Land Development Ordinance* (SALDO) where the office is operated.

Section 1201.3.4.1. Parking and loading requirements will follow the parking schedule found in Chapter 6, entitled "Off-street parking and locations," regulations for motorized vehicle services. Parking shall be provided for one vehicle and one employee.

Section 1201.3.4.2. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties in accordance with the requirements in Section 511.

Section 1201.3.4.3. A buffer planting is required where a medical marijuana transport vehicle service adjoins a residential use or district in accordance with Section 804.

Section 1201.3.4.4. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.

Section 1201.3.4.4.1. All accesses must secure the appropriate highway occupancy permit from the Department of Transportation and/or Foster Township for non-state-owned roads.

Section 1201.3.4.4.2. The clear sight triangle found in Section 803.3, must be considered and maintained.

Section 1201.3.4.4.3. The driveway must be designed and improved to the standards expressly described in Chapter 6, Section 603.4, and in the *Foster Township Subdivision and Land Development Ordinance*.

Section 1201.3.4.5. The medical marijuana product shall not be stored at a medical marijuana transport vehicle service facility.

Section 1201.3.4.6. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment located in the rear of the building.

Section 1201.3.5. Medical Marijuana Dispensary.

Section 1201.3.5.1. A medical marijuana dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same district.

Section 1201.3.5.2. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.

Section 1201.3.5.3. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

Section 1201.3.5.4. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

Section 1201.3.5.5. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.

Section 1201.3.5.6. Permitted hours of operation of a dispensary shall be 8:00 a.m. to 8:00 p.m. (of the same calendar day).

Section 1201.3.5.7. A medical marijuana dispensary shall meet the setback, parking, loading, landscaping, coverage and building height requirements of the zoning district in which the use is permitted to determine the building envelope, lot coverage and maximum allowable floor area.

Section 1201.3.5.8. A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area.

Section 1201.3.5.9. A medical marijuana dispensary shall:

Section 1201.3.5.9.1. Not have a drive-through service.

Section 1201.3.5.9.2. Not have outdoor seating areas.

Section 1201.3.5.9.3. Not have outdoor vending machines.

Section 1201.3.5.9.4. Prohibit the administering of, or the consumption of, medical marijuana on the premises; and

Section 1201.3.5.9.5. Not offer a direct or home delivery service.

Section 1201.3.5.9.6. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

Section 1201.3.5.10. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private, or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

Section 1201.3.5.11. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior

walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted to the closest property of the protected use regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.

Section 1201.3.5.12. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private, or parochial school or a day-care center.

Section 1201.3.5.13. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties in accordance with lighting requirements of Section 511.

Section 1201.3.5.14. Parking requirements will follow the parking schedule found in Chapter 6, entitled "Off-street parking and locations," regulations. as listed for medical offices.

Section 1201.3.5.15. A buffer planting is required where a medical marijuana dispensary adjoins a residential use or district in accordance with Section 803.4 of the Zoning Ordinance.

Section 1201.3.5.16. Entrances and driveways to a medical marijuana dispensary must be designed to accommodate the anticipated vehicles used to service the facility.

Section 1201.3.5.17. All accesses must secure the appropriate highway occupancy permit from the Department of Transportation and/or Foster Township for non-state-owned roads.

Section 1201.3.5.18. The clear sight triangle found in Section 803.3, must be considered and maintained.

Section 1201.3.5.19. The driveway must be designed and improved to the standards expressly described in Section 603.4, and in the *Foster Township Subdivision and Land Development Ordinance*.

Section 1201.3.5.20. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

Section 1201.3.6. In the event the Controlled Substance, Drug, Device and Cosmetic Act relating to marijuana conflicts with a provision of Act 16, PA Act 16 is declared to take precedence.

Section 1201.4. Administration and enforcement.

Section 1201.4.1. Building and zoning permits/approvals.

Section 1201.4.1.1. A zoning permit shall be required prior to obtaining a building permit; for the construction or erection of a building; the alteration of a building or portion thereof; the use or change in use of a building or land; or any adjustments to a nonconforming use.

Section 1201.4.1.2. The Township's zoning permit application mut be completed.

Section 1201.4.1.3. Permit fees shall be as stipulated in the fee schedule adopted by resolution of the municipal governing body in effect at the time of application.

Section 1201.4.1.4. Permits may be denied if the applicant, in the reasonable opinion of the Foster Township Board of Supervisors, is failing to comply with any state or local law or regulation.

Section 1201.4.1.5. In the case of new construction, meeting the Pennsylvania Municipal Planning Code definition, Land Development Plan application is required to be submitted and an approval secured, prior to establishment of the use.

Section 1201.4.1.6. If the application is to change the use of a building or needs to demonstrate allocation of space within a structure, the applicant shall provide architectural drawings prepared by an architect registered in the Commonwealth of Pennsylvania.

Section 1201.4.1.7. A medical marijuana grower/processor must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.

Section 1201.5. Penalties.

Section 1201.5.1. Any owner, operator, or other person who violates or permits a violation of this section shall, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, pay

to Foster Township a fine of not more than $500.00, plus all court costs, including, but not limited to, reasonable attorney's fees incurred by Foster Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected by Foster Township without further judicial proceedings. Further, the appropriate officers or agents of Foster Township are hereby authorized to issue a cease-and-desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond will be required if injunctive relief is sought by Foster Township. A person who violates this section shall also be reasonable for Foster Township's attorney's fees, engineering fees, expert fees and court costs reasonably incurred by Foster Township on account of such violation.

Section 1201.6. Severability.

Section 1201.6.1. The provisions of this section shall be severable, and if any provision hereof shall be declared unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this section. It is hereby declared as a legislative intent of the Township that this section would have been amended as if such unconstitutional, illegal, or invalid provision or provisions had not been included herein.

Section 1201.7. Repealer.

Section 1201.7.1. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

INDEX

A-1 District. Airport 64
Accessory Buildings 9
Accessory Dwelling 81
accessory structure 67
Additional Requirements for Accessory Uses 82
Adult Day Care Center 82
Adult Use 82
After Hours Club 84
Agricultural Products 152
Airport 84
Airport Hazard Zone 62
Animal Cemetery 86
Animal Hospital 173
Antennae 105
Antennas 66
Apartments 86, 170
Appeals 23
Auto Repair Garage 87
Auto Sales 88
Auto Service Station 87
Automobile Auctions 86
Automobile Parking or Storage Compounds 86
Automobile Service Stations 89
Babysitting 31, 35
Bed and Breakfast 89
Boarding House 91
Boat Sales 88
Business Park 124
C-1 District. Commercial 63
Campground and Recreational Vehicle (RV) Parks 91
Camps 99
Car Wash 104
Caregiver 81
Cemetery 86, 104
Certificates 4
Changes to Approved Plans 11
Commercial Display 149
Communications Tower 105
Community Center 107
Composting 108
Conditional Use Process 26
Conversion of Existing Buildings 109
Day Care Center 67, 111
Day Care Center Child 111
Drainage 193
Dry Cleaners 112
Dust 192
Enforcement Notice 14
Erosion Control 193
Essential Services 68
Excavation 193
Farm-Related Business 112
Fees 2
Fence 67
Fences 115
Floodprone Areas 194
Funeral Home 116
Garage Sale 67, 185
Glare 192
Golf Course 117
Grading 193
Greenhouses 120
Groundwater or Spring Water Withdrawal 117
Group Home 118
Hazards 187
Heavy Equipment Repair 118
Heavy Equipment Sales 118
Heavy Equipment Service 118
Heliport 119
Home Gardening 120
Home Improvement, Building Supply Center 120
Home Occupation, General or Light 120
Home Office 41, 42
Horse 150
Horse Barn 165
Hospital 123
Hotel 124
I-1 District. Light Industrial 64
I-2 District. Heavy Industrial 64
I-3 District. Mineral Extraction 64
Indoor Storage 67
Industrial Park 124
Issuance of Permit 10
Junk Yard
Automotive Salvage Yard 132

Keeping of Pets 67
Kennel 132
Laundries 112
Laundromats 112
Library 107
Livestock 133
Manufactured Home Sales 88
Medical Marijuana Dispensary 264
Medical Marijuana Facilities 134, 260
Membership Club 134
Mineral Extraction 134
Mining Overlay 62
Mini-Warehouses 154
Mobile/Manufactured Home 137
Mobile/Manufactured Home Park 139
Motel 124
Motor Sports Facility 140
Motor Vehicle Racetrack 141
Motorized Vehicle Trails 143
Noise 191
Nuisances 187
Nurseries 120
Nursing Home 142
Odor 192
Off-Road Vehicle Park 143
Other Laws 9
Outdoor Burning 148
Outdoor Motion Picture 148
Outdoor Storage 149
P-C. Public/Conservation 63
Permit, Building 49
Permit, Demolition 49
Permit, Driveway 49
Permit, Floodplain 49
Permit, NPDES 49
Permit, Occupancy 49
Permit, Seasonal or Temporary 49
Permit, Sign 50
Permit, Special 50
Permit, Stormwater 50
Permit, Timber 50
Permit, Zoning 50
Permits 4
Permitted Accessory Uses 66
Personal Care Home 149
Pets 149
Picnic Grove 150
Place of Worship 150
Porches 9
Portable Toilets 151
Public Utilities Exemptions 23
R-1 District. Village Residential 63
R-2 District. Medium Density Residential 63
Recreational Vehicle Park 151
Recycling Collection Center 151
Restaurant 152
Revocation of Permits 10
Satellite Antennae 67
Satellite Antennas 152
Sawmill 153
School, Public or Private, Primary or Secondary 153
Self-Storage Development 154
Setback (Creeks) 188
Setbacks (Accessory) 82
Sewage Disposal 190
Sewage Sludge Land Application 156
Signs 157
Skilled Care Facility 142
Slaughterhouse 157
Solar Energy Systems Commercial 159
Solar Energy Systems Residential Use ... 159
Solid Waste Facility 159
Special Exception 19
Stable 150
Stable, Nonhousehold 165
Stable, Personal 165
Steep Slopes 188
Stockyard 157
Stop Order 13
Swimming Pool, Household 67, 165
Swimming Pool, Non-Household 166
Tank Farm 167
Target Range 169
Temporary Permit 11
Temporary Use 242
Time Limitations on Permits 20
Townhouses 170
Treatment Center 173
Trucking Company Terminal 173
Uses Permitted by Right 66

Vacancies, Zoning Hearing Board 16
V-C District. Village Commercial 63
Veterinarian Office 173
Vibrations 192
Wall 67
Walls 115
Warehouse 173
Wetlands 187
Wholesale Sales 173
Wind Energy Facilities (Non-Residential Wind Farm) 174
Wind Energy Facilities (Single Use) 182
Yard Sale 185
Zoning Hearing Board 16
Zoning Officer 13

APPENDIX A
TABLE OF USES BY ZONING DISTRICT

APPENDIX A TABLE OF USES BY ZONING DISTRICT

TYPE OF USES SEE DEFINITIONS IN CHAPTER 2 P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use (zoning decision by the Township Supervisors with review by Planning Agency) S = Special Exception (zoning decision by Zoning Hearing Board) N = Not permitted Chapter 4 = Additional Requirements in Chapter 4.		R-1	R-2	C-1	V-C	P-C	I-1	I-2	I-3	A-1
A	**AGRICULTURAL USES**									
1.	Bulk Commercial Crop Storage and Bulk Processing as a Principal use of agricultural products produced by numerous persons	N	N	N	N	N	P	N	N	P
2.	Commercial Forestry - See Chapter 10	P	P	P	P	P	P	P	P	P
3.	Composting – See under Accessory Uses in this Table	N	N	N	N	N	N	N	C	N
4.	Crop Farming (includes Orchards, Christmas Tree Farms, raising of livestock as a clearly accessory uses, and accessory crop storage)	N	P	N	N	P	P	N	N	P
5.	Farm Related Business with a minimum of 10-acre lot area	N	N	N	N	N	P	P	P	P
6.	Farm-Related Business - See “Accessory Uses” at end of this table Plant Nursery - with On-site Retail Sales Limited to Items Primarily Grown on the Premises and closely related items such as mulch (see also Garden Center under commercial uses)	N	P	N	N	P	P	N	N	P
7.	Processing of Agricultural Products Primarily produced on Premises Owned or Leased by the Processor, such as, but not limited to: making of cider, wine, jams, jellies, honey, and packaging, bottling or containerizing of similar products, but not including a Slaughterhouse	N	N	N	N	C	N	N	N	N
8.	Raising of Livestock, Intensive, (Chapter 4) with minimum lot area of 15 acres	N	C	N	N	P	N	N	N	P
9.	Raising of Livestock, other than “Intensive”, with minimum lot area of 3 acres	N	C	N	N	P	P	N	N	P
10.	Retail Sales of Agricultural Products Primarily Grown on the Premises (Chapter 4)	N	N	N	N	N	N	P	P	N
11.	Sale or Mixing of Agricultural Seeds.	N	C	N	N	P	P	N	N	P
12.	Sewage Sludge, Land Application (Chapter 4)	N	C	N	N	N	C	C	C	N

TYPE OF USES SEE DEFINITIONS IN CHAPTER 2 P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use (zoning decision by the Township Supervisors with review by Planning Agency) S = Special Exception (zoning decision by Zoning Hearing Board) N = Not permitted Chapter 4 = Additional Requirements in Chapter 4.		**R-1**	**R-2**	**C-1**	**V-C**	**P-C**	**I-1**	**I-2**	**I-3**	**A-1**
B.	**RESIDENTIAL USES**									
1.	Apartment (Accessory) - See under Accessory Uses in this Table.	P	P	N	P	P	N	N	N	N
2.	Apartments (Chapter 4)	P	P	N	P	N	N	N	N	N
3.	Boarding House (Chapter 4)	P	N	N	N	N	N	N	N	N
4.	Conversion of existing building to result in an increased number of dwelling units (Chapter 4), other than as permitted under accessory uses.	P	N	N	P	N	N	N	N	N
5.	Garage Sales\Yard Sales (Chapter 4)	P	P	P	P	P	P	P	P	N
6.	Group Home within a lawful dwelling unit, not including a Treatment Center (Chapter 4)	P	P	N	P	N	N	N	N	N
7.	Home Gardening and Greenhouse	P	P	N	P	N	N	N	N	N
8.	Manufactured/Mobile Home Park (Chapter 4)	N	P	N	N	N	N	N	N	N
9.	Open Space/Conservation Development (Chapter 4)	N	N	N	N	N	N	P	C	N
10.	Single Family Detached Dwelling (including manufactured/mobile home [Chapter 4]).	P	P	N	P	P	N	N	N	N
11.	Single Family Semi-Detached Dwelling (½ of twin).	P	S	N	P	N	N	P	N	N
12.	Solar Energy Systems (Residential use).	P	P	P	P	P	N	N	N	N
13	Townhouse (Chapter 4)	P	P	N	P	N	N	N	N	N
14	Two Family Detached Dwelling	P	P	N	P	N	N	N	N	N
C.	**COMMERCIAL USES**									
1.	Adult Use, i.e., Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Use, Cabaret, or Massage Parlor (Chapter 4).	N	N	N	N	N	N	P	N	N
2.	Automobile Auctions and/or Automobile Parking or Storage Compounds	N	N	N	N	N	P	P	N	N
3.	Automobile Repair Garage (Chapter 4)	C	N	P	C	N	N	N	N	N
4.	Automobile Service Station (S. 402) which may include a convenience store.	N	N	P	C	N	P	N	N	C
5.	Automobile, Boat or Mobile/Manufactured Home Sales (Chapter 4)	N	N	P	N	N	P	N	N	N
6.	Bakery	N	N	P	P	N	N	N	N	N
7.	Bed and Breakfast (Chapter 4)	P	P	C	P	P	N	N	N	N
8.	Beverage Distributor	N	N	P	C	N	P	N	N	N
9.	Business Services	N	N	P	C	N	P	N	N	N
10.	Campground or RV-Park (Chapter 4)	N	N	N	N	N	C	N	N	N
11.	Car Wash / Motor Vehicle Washing Facility (Chapter 4)	N	N	P	P	P	C*	N	N	N
12.	Commercial Indoor Recreation (includes bowling alley, amusement arcade, roller or ice skating, batting practice and similar uses).	N	N	P	P	N	N	N	N	N

TYPE OF USES SEE DEFINITIONS IN CHAPTER 2 P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use (zoning decision by the Township Supervisors with review by Planning Agency) S = Special Exception (zoning decision by Zoning Hearing Board) N = Not permitted Chapter 4 = Additional Requirements in Chapter 4.	**R-1**	**R-2**	**C-1**	**V-C**	**P-C**	**I-1**	**I-2**	**I-3**	**A-1**
13. Commercial Outdoor Recreation including but not limited to uses such as privately-owned picnic grove or fairground, but not including the following uses: campground, golf course, motor vehicle truck, miniature golf, golf driving center or amusement center. (Chapter 4)	N	C*	C*	C	C*	N	N	N	N
14. Communications Antennae/Tower, Commercial (not including "antennas standard" or antennas for emergency service providers). If located on existing structures, including building rooftops, water tanks, or existing towers. (Chapter 4)	N	N	N	N	N	P	P	P	N
15. Conference Center	N	N	P	N	N	P	N	N	N
16. Construction Company/Trades Contractor's Headquarter/Storage (other than as a home occupation).	N	N	P	N	N	P	N	P	C
17. Convenience Store, not include sale of gasoline.	N	N	P	P	N	P	N	N	N
18. Custom Crafts or Artisan's Studio (other than a home occupation).	N	N	P	P	N	N	N	N	N
19. cutting, dry-cleaning (pick-up and drop-off only), shoe repair and other similar uses.)									
20. Dry Cleaners, Commercial or Industrial, see personal services for pick-up and drop-off only	N	N	P	N	N	P	N	N	N
21. Exercise Club, Gym, Fitness Center	N	N	P	P	N	P	S	N	N
22. Family Day-Care Home	P	P	S	P	S	N	N	N	N
23. Financial Institutions	N	N	P	C	N	N	N	N	N
24. Fueling Station (Chapter 4)	N	N	C	C	N	N	S	N	P
25. Funeral Home (Chapter 4)	N	N	P	C	N	N	S	N	N
26. Garden Center	N	N	P	P	P	N	N	N	N
27. Golf Course (Chapter 4)	N	N	N	N	N	N	C	N	N
28. Golf Driving Center or Miniature Golf	N	N	P	N	N	N	N	N	N
29. Greenhouse or Nursery (Commercial)	N	C	P	P	C	P	N	N	C
30. Heavy Equipment Sales, Service and/or Repair Facility	N	N	N	N	N	C	P	N	N
31. Home Improvement and Building Supply Center	N	N	P	C	N	P	N	N	C
32. Horse-Stable (Non-households)	N	P*	N	N	P*	N	N	N	N
33. Hotel, Motel, or Inn (Chapter 4)	N	N	P	P	N	P	N	N	N
34. Kennel (Chapter 4)	N	N	P	N	N	P	N	N	N
35. Laundromat for Primarily Self-Service Use (Chapter 4)	N	N	P	N	N	P	N	N	N
36. Laundry, Commercial or Industrial	N	N	P	N	N	P	N	N	N

*A ten-acre minimum lot area and a five percent maximum total in impervious coverage.

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13. Medical Marijuana Academic Clinical Research Centers	N	N	N	N	N	S	S	N	S
14. Medical Marijuana Dispensaries	N	N	S	N	N	N	N	N	N
15. Medical Marijuana Grower/Processors	N	N	N	N	N	S	S	N	S
16. Medical Marijuana Transport Vehicle Offices	N	N	N	N	N	S	S	N	S
17. Medical/Dental Office with a maximum of two physicians or dentists working on the lot at one time.	P	N	P	P	N	N	N	N	N
18. Motor Sports Facility – Vehicle Racetrack*** (Chapter 4)	N	N	N	N	N	N	P	N***	N
19. Motor Vehicle Racetrack	N	N	N	N	N	N	P	N***	N
20. New Communications Antennae/Tower, Commercial (Chapter 4)	N	N	N	N	N	C	C	C	N
21. No Impact Home Based Business (Chapter 4)	P	P	P	P	P	N	S	N	N
22. Office (other than a home occupation)	N	N	P	P	N	P	P**	P**	N
23. Off-Road Vehicle Park, also “Motorized Vehicle Trails” (Chapter 4)	N	N	N	N	C	C	C	C	N
24. Personal Services (including tailoring, custom dressmaking, hair cutting, dry-cleaning (pick-up and drop-off only), shoe repair and other similar uses.)	N	N	P	P	N	N	N	N	N
25. Private Airport, Heliport (Chapter 4)	N	N	P	N	N	P	C	C	P
26. Repair of Household Items and Appliances (other than home occupation)	N	N	P	P	N	N	N	N	N
27. Restaurant (Chapter 4) or Catering Business. (D) = Drive-thru service prohibited.	N	N	P	P	N	P	N	N	N
28. Retail Store (not including uses listed individually in this table)	N	N	P	P	N	P	N	N	N
29. Retirement Community	C	P	N	N	S	N	C	N	N
30. Self-Storage Units\ Mini Warehouses (Chapter 4)	N	N	P	N	N	P	C	N	N
31. Shopping Center	N	N	P	P	N	P	N	N	N
32. Target Range (Chapter 4)	N	N	N	N	C*	N	N	N	N
33. Tavern	N	N	P	P	N	N	N	N	N
34. Theater as a principal use.	N	N	P	P	N	N	N	N	N
35. Trade School	N	N	P	N	N	P	N	N	N
36. Truck Stop	N	N	N	N	N	C	P	N	N
37. Veterinarian Office Chapter 4	N	N	P	P	N	N	N	N	N

* A ten-acre minimum lot area and a five percent maximum total in impervious coverage
**Portion of building uses for office space shall not exceed 25 percent of the building’s gross floor area.
*** Recreational Overlay Zone

TYPE OF USES SEE DEFINITIONS IN CHAPTER 2 P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use (zoning decision by the Township Supervisors with review by Planning Agency) S = Special Exception (zoning decision by Zoning Hearing Board) N = Not permitted Chapter 4 = Additional Requirements in Chapter 4.		R-1	R-2	C-1	V-C	P-C	I-1	I-2	I-3	A-1
C.	**INSTITUTIONAL USES**									
1.	Cemetery without Crematorium, including animal (Chapter 4)	N	N	P	P	N	P	N	N	N
2.	Child Day Care Center (Chapter 4), include Group Day Care Home as a principal use (See also as an accessory use.)	N	P	P	P	N	P	N	N	N
3.	Community Center or Library (Chapter 4)	P	P	P	P	N	N	N	N	N
4.	Crematorium (see Cemetery in Chapter 4)	N	N	P	N	N	C	N	N	N
5.	Day Care Center, Adult (Chapter 4) (See also as an accessory use)	N	N	P	P	N	P	N	N	N
6.	Group Personal Care Home (Chapter 4)	C	C	N	N	N	N	N	N	N
7.	Hospital (Chapter 4)	N	C	C	N	N	C	N	N	N
8.	Membership Club (Chapter 4) - for bona fide civic, fraternal, religious, service, retired military, hunting, climbing, nature study, fishing and similar non-profit organizations.	C	C	C	C	C	C	C	N	N
9.	Museum	N	N	P	P	N	P	N	N	P
10.	Nature Education Center	N	N	P	P	C*	P	C	N	N
11.	Nursing Home Also “Skilled Care Facility” (Chapter 4)	N	N	P	N	N	N	N	N	N
12.	Place of Worship (Chapter 4)	P	P	P	P	N	P	N	N	N
13.	School, Public or Private, Primary or Secondary (Chapter 4)	P	P	P	P	N	N	N	N	N
14.	Treatment Center (Chapter 4)	N	N	P	N	N	N	N	N	N

*A ten-acre minimum lot area and a five percent maximum total in pervious coverage.

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D. INDUSTRIAL USES									
1. Asphalt Plant	N	N	N	N	N	N	P	N	N
2. Assembly of Materials Manufactured elsewhere or finishing of previously prepared resin, vinyl, polymer or rubber products.	N	N	N	N	N	P	P	N	P
3. Beverage Bottling	N	N	N	N	N	P	P	N	P
4. Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	N	N	P	P	N	P
5. Industrial Equipment Sales, Rental, Service, other than vehicles primarily intended to be operated on public streets.	N	N	N	N	N	P	P	N	N
6. Industrial/Business Parks (Chapter 4)	N	N	N	N	N	P	P	N	P
7. Junk – outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area.	N	N	N	N	N	N	N	N	N
8. Junk Yard (Chapter 4)	N	N	N	N	N	N	C	N	N
9. Liquid Fuel Storage, Bulk for Off-site Use, other than company vehicles based on-site. Tank Farm.	N	N	N	N	N	N	C	N	N
10. Manufacture or bulk processing for resale of the following, provided manufacturing occurs only indoors (other than a home occupation):									
• Agricultural Chemical, Fertilizers or Pesticides.	N	N	N	N	N	N	P	N	N
• Apparel, Textiles, Shoes, and Apparel Accessories.	N	N	N	N	N	C	P	N	P
• Cement, actual manufacture of	N	N	N	N	N	N	P	N	N
• Cement, Gypsum, Concrete or Plaster Products, other than actual manufacture of cement.	N	N	N	N	N	N	P	N	N
• Ceramics, Clay, Glass, Wood, Furniture or Pottery products.	N	N	N	N	N	C	P	N	P
• Chemical Products that are not highly hazardous or toxic, other than fertilizers or pesticides.	N	N	N	N	N	N	P	N	P
• Coke or Potash work, including Coke Oven.	N	N	N	N	N	N	P	N	N
• Electrical, electronic and Microelectronic Machines, Supplies and Equipment.	N	N	N	N	N	C	P	N	P
• Explosives, Fireworks, Ammunition or Gunpowder, or bulk storage of (except government-owned facility.)	N	N	N	N	N	N	P	N	N
• Fabricated Metal Products (except Ammunition or Explosives)	N	N	N	N	N	C	P	N	N
• Food Products, bulk manufacture (not including uses listed separately).	N	N	N	N	N	C	P	N	P
• Furniture and Wood Products (other than raw paper pulp)	N	N	N	N	N	C	P	N	P
• Glass and glass products	N	N	N	N	N	C	P	N	P
• Jewelry, Leather, Clay and Pottery Products	N	N	N	N	N	C	P	N	P
• Paper and Cardboard products (other than raw paper pulp)	N	N	N	N	N	C	P	N	P
• Paper, Raw Pulp	N	N	N	N	N	N	P	N	N

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Manufacture or bulk processing for resale of the following, provided manufacturing occurs only indoors (other than a home occupation):									
• Paving or Roofing Material, other than bulk manufacture of asphalt	N	N	N	N	N	N	P	N	N
• Petroleum or Kerosene Refining or Distillation	N	N	N	N	N	N	P	N	N
• Pharmaceutical	N	N	N	N	N	N	P	N	P
• Plastics, Polymers, Rubber (natural or synthetic), Resins or Vinyl, actual manufacture of.	N	N	N	N	N	N	P	N	P
• Primary Metal Products	N	N	N	N	N	C	P	N	N
• Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber.	N	N	N	N	N	C	P	N	N
• Scientific, Electronic, Optical and Other Precision Instruments.	N	N	N	N	N	C	P	N	P
• Soaps, Detergents, Paints, Varnishes, or Enamels	N	N	N	N	N	N	P	N	N
• Tar or creosote manufacture, tar distillation, creosote treatment.	N	N	N	N	N	N	P	N	N
• Tire Retreading	N	N	N	N	N	N	P	N	N
• Transportation Equipment or Manufactured/Modular Housing	N	N	N	N	N	P	P	N	P
11. Mineral Extraction (Chapter 4) - of stone	N	N	N	N	N	N	P	P	N
Mineral Extraction (Chapter 4) - of other than stone (Coal Mining) Also permitted in areas identify in the mining overlay district.	N	N	N	N	N	N	N	P	N
12. Packaging, coordinated system of preparing goods for transport, warehousing, logistics, sale and end use, as a principal industrial use.	N	N	N	N	N	P	P	N	P
13. Photo Processing, Bulk	N	N	N	N	N	N	P	N	P
14. Printing, or Bookbinding	N	N	N	N	N	P	P	N	P
15. Recycling Center, Bulk or Industrial (other than a solid waste disposal or transfer facility).	N	N	N	N	N	N	P	N	N
16. Recycling Collection Center (Chapter 4) – See also as accessory use.	N	N	N	N	N	N	P	N	N
17. Research and Development, Engineering or Testing Facility or Laboratory, not involving manufacture of toxic substances.	N	N	N	N	N	C	N	N	P
18. Sawmill/Planning Mill and Related Sales.	N	N	N	N	N	N	P	N	P

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19. Self-Storage Development (Chapter 4)	N	N	P	N	N	P	N	N	P
20. Slaughterhouse or Stockyard (Chapter 4)	N	N	N	N	N	N	P	N	N
21. Solar Energy Facility (Commercial)	N	N	N	C	N	P	P	P	P
22. Solid Waste Landfill (Chapter 4)	N	N	N	N	N	N	P	N	N
23. Solid Waste to Energy Plant (Chapter 4)	N	N	N	N	N	N	P	N	N
24. Solid Waste Transfer Facility (Chapter 4)	N	N	N	N	N	N	P	N	N
25. Tank Farm (Chapter 4).	N	N	N	N	N	N	C	N	C
26. Trucking Company Terminal (Chapter 4)	N	N	N	N	N	P	P	N	P
27. Warehousing as a principal use (other than Trucking Co. Terminal)	N	N	N	N	N	P	P	N	P
28. Welding Shop	N	N	N	N	P	P	N	N	N
29. Wholesale Sales	N	N	N	N	P	P	N	N	P
30. Wind Energy Facilities (Chapter 4). Single Use	P	P	S	P	S	S	S	S	P
31. Wind Energy Facilities (Chapter 4). Wind Farm	N	N	N	N	N	C	C	C	C
32. All Uses that would have a serious threat of being unable to comply with the performance standards of this Zoning Ordinance, especially including the "Environmental Protection" requirements of Chapter 5.	N	N	N	N	N	C	C	C	C

APPENDIX A TABLE OF USES BY ZONING DISTRICT

TYPE OF USES SEE DEFINITIONS IN CHAPTER 2 P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use (zoning decision by the Township Supervisors with review by Planning Agency) S = Special Exception (zoning decision by Zoning Hearing Board) N = Not permitted Chapter 4 = Additional Requirements in Chapter 4.		**R-1**	**R-2**	**C-1**	**V-C**	**P-C**	**I-1**	**I-2**	**I-3**	**A-1**
E.	**PUBLIC/SEMI-PUBLIC**									
1.	Emergency Service Station	C	C	P	P	C	P	C	C	P
2.	Game/Nature Preserve	N	N	P	N	C	N	N	N	N
3.	Public Utility, other than those permitted as “Essential Services” in Section 306.5.	C	C	P	C	C	C	C	C	C
4.	Publicly owned Recreation Uses	P	P	P	P	P	P	N	N	N
5.	Swimming Pool, Non-household (Chapter 4)	P	P	P	P	N	N	N	N	N
6.	Township-owned Uses for governmental, utility, recycling, public safety, or recreation purposes.	P	P	P	P	P	P	P	P	P
7.	U.S. Postal Service structure, which may include a leased structure.	P	P	P	P	N	N	N	N	P
F.	**MISCELLANEOUS**									
1.	Any Principal Use Not Specifically Listed in this Table (Except as for uses that are similar to permitted uses).	N	N	N	N	N	N	N	N	N
G.	**ACCESSORY USES**									
1.	Accessory Dwelling for "Relative" or Full-time Caregiver of Occupant of Principal Dwelling Unit or Full-Time Caretaker of Property, connected to a building that existed at time of adoption of this Zoning Ordinance. (Chapter 4)	P	P	N	P	P	N	N	N	N
2.	Composting involving materials generated on-site.	P	P	P	P	P	P	P	P	P
3.	Composting on a bulk commercial basis involving manure brought to the site from land owned by other persons.	N	N	N	N	N	N	P	N	N
4.	Day Care Center as accessory to: Dwelling (Chapter 4) or Permitted Place of Worship	P	P	N	P	P	N	N	N	N
5.	Farm Related Business with a minimum of 10 acres lot area (Chapter 4)	N	P	N	N	P	P	N	N	N
5.	Home Occupation – General and Light (Chapter 4)	P	P	P	P	C	P	N	N	N
6.	Recycling Collection Center accessory to a permitted: School, Government-owned use, Place of Worship, Emergency Services Station, Residential Composting or Solid Waste structure.	P	P	P	P	P	P	P	N	P
7.	See also permitted accessory uses listed in Section 306.3, 306.4, 306.5, & 306.6.									

APPENDIX B
REGULATIONS GOVERNING THE SIZE OF LOTS, SETBACKS, AND BUILDINGS FOR PERMITTED USES

APPENDIX B.1 – SETBACK TABLE

APPENDIX B.1
REGULATIONS GOVERNING THE SIZE OF LOTS, SETBACKS, AND BUILDINGS FOR PERMITTED USES

This table does not apply to Special Uses. See Chapter 4 for regulations governing Special Uses. Also see Chapter 4 for other Supplementary Regulations governing various uses including variations to lot and yard sizes, regulations governing accessory structures, signs, off-street parking and loading, and Chapter 9 for non-confirming uses and lots.

ZONING DISTRICT AND TYPE OF USE	MINIMUM LOT AREA (SQ. FT)	MINIMUM LOT WIDTH (FT)	Maximum Height (FT./Stories)	SETBACK FOR PRINCIPAL STRUCTURE		
				MIN. FROM FRONT LOT LINE (FT.)	MIN. FROM SIDE (FT.) Each	MIN. FROM LOT LINE REAR LOT LINE (FT.)
R-1 Single-family (including manufactured/mobile homes in agreement with Chapter 4)	7,500	60	35/2.5	***20	10	10
Twin Dwelling	14,000	85	35/2.5	***20	10	10
Townhouse (permitted only with approved central sanitary sewer and public supply of water)	2 acres maximum total density of 4 dwelling units per acre	See Chapter 4	35/2.5	See Chapter 4	See Chapter 4	See Chapter 4
Apartment (permitted only with approved central sanitary sewer service and public supply of water)	2 acres; maximum total density 5 dwellings units per acre.	See Chapter 4	35/2.5	See Chapter 4	See Chapter 4	See Chapter 4
All other permitted uses (unless specified in Chapter 4)	10,000	70	35/2.5	20	10	10
R-2 Single-family (including manufactured/mobile homes in agreement with Chapter 4)						
a) with approved central sewer service or public water supply	10,000	80	35/2.5	20	12	20
b) without approved central sewer service	43,560 (1 acre)	125	35/2.5	40	20	20
Twin Dwelling						
a) with approved central sewer service and public water supply	15,000	85	35/2.5	20	12	20
b) without approved central sewer service	43,560	125	35/2.5	40	12	20
Mobile/Manufactured Home Park	See Chapter 4					
Lot Averaging Incentive as a conditional use meeting the requirements of Section 308. Restricted to single-family detached dwelling without approved central sewer service.	30,000 (approx. 0.69 acres) Minimum average area of 1 acre per dwelling	100 Such lot width shall have a minimum average of 125 feet	35/2.5	30	15	15
C-1 Any Permitted Use	43,560 (1 acre)	100	40/3.0	30 (Side and rear yards shall be increased by 10 ft in those instances where they abut, whole or in part, a residential district lot line)	15	15

***Where existing building express a traditionally modest (pre-zoning) front setback, creating a characteristically close relationship with the street, it is highly desirable to continue this pattern in order to retain the area's character. Therefore, the maximum setback of new construction should harmonize with the average setbacks of existing adjacent buildings. Outside of areas of generally uniform building setback, where existing structures are located at various distances from the roadway, front setback may vary to a greater degree, and principal buildings shall generally be located within ten feet of the front lot line.

APPENDIX B.1
REGULATIONS GOVERNING THE SIZE OF LOTS, SETBACKS, AND BUILDINGS FOR PERMITTED USES

ZONING DISTRICT AND TYPE OF USE	MINIMUM LOT AREA (SQ. FT)	MINIMUM LOT WIDTH (FT)	Maximum Height (FT./Stories)	SETBACK FOR PRINCIPAL STRUCTURE		
				MIN. FROM FRONT LOT LINE (FT.)	MIN. FROM SIDE (FT.) Each	MIN. FROM LOT LINE REAR LOT LINE (FT.)
P-C Any Permitted Use	217,800 (5 acres)	500	35/2.5	50	20	50
Lot Averaging Incentive as a conditional use meeting the requirements of Section 308. Restricted to single-family detached dwellings.	87,120 (6 acres) Minimum average area of 5 acres per dwelling	200 such lot width shall have a minimum average of 400 feet	35/2.5	50	20	50
I-1 Any Permitted Use	43,560 (1 acre)	100	150/15.0	30	15	15
				(Side and rear yards shall be increased by 10 ft in those instances where they abut, whole or in part, a residential district lot line)		
I-2 Any Permitted Use	87,160 (2 acres)	200	100/10.0	50	30	30
I-3	See Chapter 4 Mineral Extraction					
A-1	See Chapter 4 Airport					
V-C	Residential Uses shall match those of the R-1 Zoning District and Commercial Uses shall match those of the C-1 Zoning District					

APPENDIX B.1
REGULATIONS GOVERNING THE SIZE OF LOTS, SETBACKS, AND BUILDINGS FOR PERMITTED USES

ZONING DISTRICT AND TYPE OF USE	MAXIMUM BUILDING HEIGHT (STORIES/FT.)	MAXIMUM BUILDING COVERAGE (%)	MAXIMUM IMPERVIOUS COVERAGE (%)	MINIMUM SETBACK FOR ACCESORY STRUCTURE RESIDENTIAL (NON-DWELLING)				
				MIN. FROM FRONT LOT LINE (FT.)	MIN. FROM EACH SIDE LOT LINE (FT.) *	MIN. FROM REAR LOT LINE (FT.)	MAX. HEIGHT (STORIES/ FT.)	MIN. FROM PRINCIPAL STRUCTURE (FT.)
R-1 Single-family (including manufactured/mobile homes in agreement with Chapter 4)	35/2.5	50	65	Not permitted	5	5	2/20	10
Twin Dwelling	35/2.5	50	65	Not permitted	5	5	2/20	10
Townhouse (permitted only with approved central sanitary sewer and public supply of water)	35/2.5	40	50	See Chapter 4	See Chapter 4	See Chapter 4	See Chapter 4	See Chapter 4
Apartment (permitted only with approved central sanitary sewer service and public supply of water)	35/2.5	40	50	See Chapter 4	See Chapter 4	See Chapter 4	See Chapter 4	See Chapter 4
All other permitted uses (unless specified in Chapter 4)	35/2.5	35	45	Not permitted	5	5	2/20	10
R-2 Single-family (including manufactured/mobile homes in agreement with Chapter 4)								
c) with approved central sewer service or public water supply	35/2.5	30	35	Not permitted	12	10	2/20	10
d) without approved central sewer service	35/2.5	30	35	Not permitted	20	10	2/20	10
Twin Dwelling								
c) with approved central sewer service and public water supply	35/2.5	30	35	Not permitted	12	10	2/20	10
d) without approved central sewer service	35/2.5	30	35	Not permitted	20	10	2/20	10
Mobile/Manufactured Home Park	See Chapter 4							
Lot Averaging Incentive as a conditional use meeting the requirements of Section 308. Restricted to single-family detached dwelling without approved central sewer service.	35/2.5	30	25	Not permitted	5	5	2/20	10
C-1 Any Permitted Use	40/3.0	65	90	Not permitted	15	15	2.5/25	10

APPENDIX B.1
REGULATIONS GOVERNING THE SIZE OF LOTS, SETBACKS, AND BUILDINGS FOR PERMITTED USES

ZONING DISTRICT AND TYPE OF USE	MAXIMUM BUILDING HEIGHT (FT./STORIES)	MAXIMUM BUILDING COVERAGE (%)	MAXIMUM IMPERVIOUS COVERAGE (%)	MINIMUM SETBACK FOR ACCESORY STRUCTURE RESIDENTIAL (NON-DWELLING)				
				MIN. FROM FRONT LOT LINE (FT.)	MIN. FROM EACH SIDE LOT LINE (FT.) *	MIN. FROM REAR LOT LINE (FT.)	MAX. HEIGHT (STORIES/ FT.)	MIN. FROM PRINCIPAL STRUCTURE (FT.)
V-C Any Permitted Use	35/2.5	50	65	Not permitted	5	5	2.5/25	10
P-C Any Permitted Use	35/2.5	10	15	Not permitted	20	10	2/20	15
Lot Averaging Incentive as a conditional use meeting the requirements of Section 308. Restricted to single-family detached dwellings.	35/2.5	30	25	Not permitted	10	10	2/20	15
I-1 Any Permitted Use	100/10.0	50	65	Not permitted	15	15	10/100	50
				(Side and rear yards shall be increased by 10 ft in those instances where they abut whole or in part, a residential district lot line)				
I-2 Any Permitted Use	100/10.0	50	65	Not permitted	30	30	10/100	30
I-3	See Chapter 4 Mineral Extraction							
A-1	See Chapter 4 Airport							
V-C	Residential Uses shall match those of the R-1 Zoning District and Commercial Uses shall match those of the C-1 Zoning District							

* See Section 802 that exempts certain structures from height requirements.
** For accessory structures more than 25 feet in height, the principal building setbacks shall apply

APPENDIX B.2
MISCELLANEOUS SIGNS NOT REQUIRING PERMITS

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
Agricultural Products Sign. Advertises the sale of agricultural or livestock products primarily produced or raised on the premises of a principal agricultural use, or the seasonal sale of Christmas trees. This may also include a sign denoting membership in agricultural associations and cooperatives or specialization in a particular type of livestock or plant.	2	8	12	Shall only be posted during seasons when such products are actively offered for sale.
Charitable Event Sign. Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	8	32	Shall be place a maximum of 30 days prior to event and removed a maximum of 7 days after event.
Contractor's Sign. Advertises a building trade person, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	12 each	20 each	Shall only be permitted while work is actively and clearly underway and a maximum of 10 days afterward. Signs shall not be placed on the lot for more than 1 year, unless a 1-year extension is granted by the Zoning Officer. Shall not be illuminated.
Directional Sign. Sign provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, directions towards a temporary fair, fire lanes, parking, or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3 each, other than sign painted on pavement.	3 each, other than signs painted on pavement.	Directions signs within a residential development shall not be illuminated. Signs directing persons to a fair or similar special event shall not be posted earlier than 2 weeks before the event and be removed within 1 week afterwards.
Flag, Commercial. A banner or pennant made of fabric or similar material that is hung in such a way to flow in the wind and that include some type of commercial message.	2	20 each	20 each	In addition, flags of any nation or level of government or that only include colors and no commercial message are not regulated by this Zoning Ordinance.
Garage Sale Sign. Advertises an occasional garage sale, porch sale or auction.	4 per event	4 per sign	4 per sign	Shall be placed a maximum of 3 days before permitted garage sale or auction begins and be removed maximum of 24 hours after event ends.
Home Occupation Sign. Advertises a permitted home occupation	2	1.5	4	Shall not be illuminated. May be painted on a mailbox.
Identification Sign. Only identifies the name and occupation of the resident and the name, street address and use of a lot, but that does not include advertising.	1	1.5, except 2 for a principal non-residential use.	6	
Open House Sign. Advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4 each	4 each	Shall be place maximum of 5 days before open house begins and be removed maximum of 24 hours after open house ends. Sign shall not be posted more than 5 consecutive days.
Political Sign. Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body. Persons posting political signs shall deposit $25 with the Township Secretary. The return of the deposit shall be conditioned on the removal of all signs within 30 days after the election. This requirement shall apply to signs posted in front of a dwelling or business with permission of the owner of the property, in front of polling places on election day or for a Federal office.	4	32 total	32 total	Shall be placed a maximum of 90 days prior to election, vote or referendum and removed a maximum of 10 days after the election, vote or referendum. Persons posting political signs shall maintain a written list of location of signs. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."

APPENDIX B.2
MISCELLANEOUS SIGNS NOT REQUIRING PERMITS

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
Proposed Development Sign. Announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the Township, and which would involve a minimum of 10 dwelling units or a nonresidential principal building.	1	8	20	Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the Township and shall be removed when any of the following occur: 1) if plan is rejected or withdrawn, 2) for a residential development, when all of the approved units are sold, or 3) for a nonresidential development, when a permanent sign is placed.
Public Services Sign. Advertises the availability of restrooms, telephone, or other similar public convenience.	No max.	2 each	2 each	
Real Estate Sign. Advertises the availability of property on which the sign is located for sale, rent, or lease.	1 per street the lot abuts.	3 each	12 each	Shall only be placed on the property while it is actively for sale, lease or rent and shall be removed a maximum of 7 days after settlement or start of lease.
Service Organization/Place of Worship Sign. An off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and an arrow direction person to the location.	2	2 each	2 each	Maximum of 2 signs per organization or place of worship
Trespassing Sign. Indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting or fishing on the lot.	No max.	4 each	4 each	A change, during 2020, in Title 18, the state Crimes Code, gives landowners the option of using purple paint, rather than signs, to post their properties and alert others that lands are private, and trespassing isn't permitted.

* Maximum sign areas are for each two sides of each permitted sign, measured in square feet.
Signs not regulated by this Zoning Ordinance can be found in Section 703.

APPENDIX C
M-950S DRIVEWAY SIGHT DISTANCE

M-950S
(03-04)
PENNDOT

DRIVEWAY SIGHT DISTANCE MEASUREMENTS

(FOR LOCAL ROADS, USE PENNDOT PUB 70)

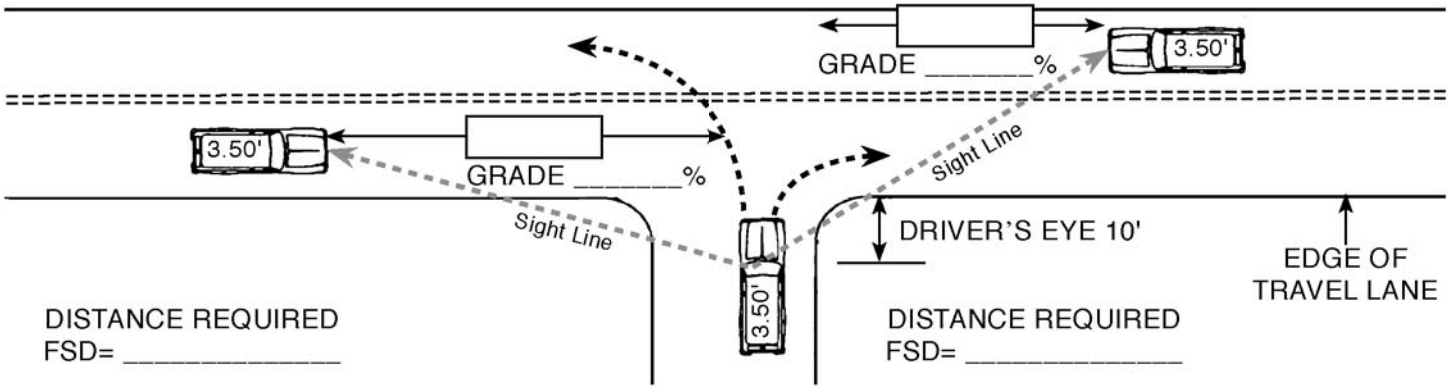
APPLICANT_____ APPLICATION NO._____

S.R._____SEG._____OFFSET_____ LEGAL SPEED LIMIT_____

MEASURED BY_____ DATE _____

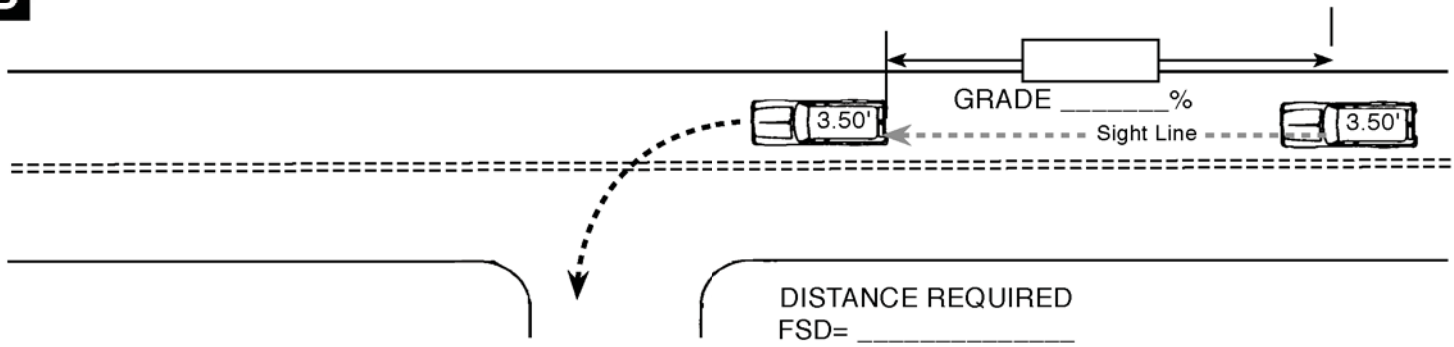
FOR DEPARTMENT USE ONLY: Safe-Running Speed _____ 85th Percentile Speed _____

A



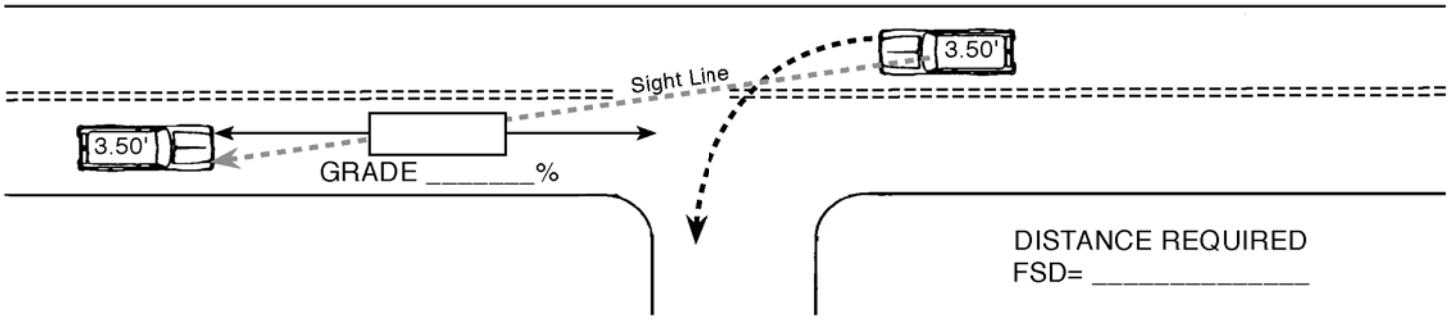
THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER AT A DRIVEWAY LOCATION CAN CONTINUOUSLY SEE ANOTHER VEHICLE APPROACHING ON THE ROADWAY.

B



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER ON THE ROADWAY CAN CONTINUOUSLY SEE THE REAR OF A VEHICLE WHICH IS LOCATED IN THE DRIVER'S TRAVEL LANE AND WHICH IS POSITIONED TO MAKE A LEFT TURN INTO A DRIVEWAY.

C

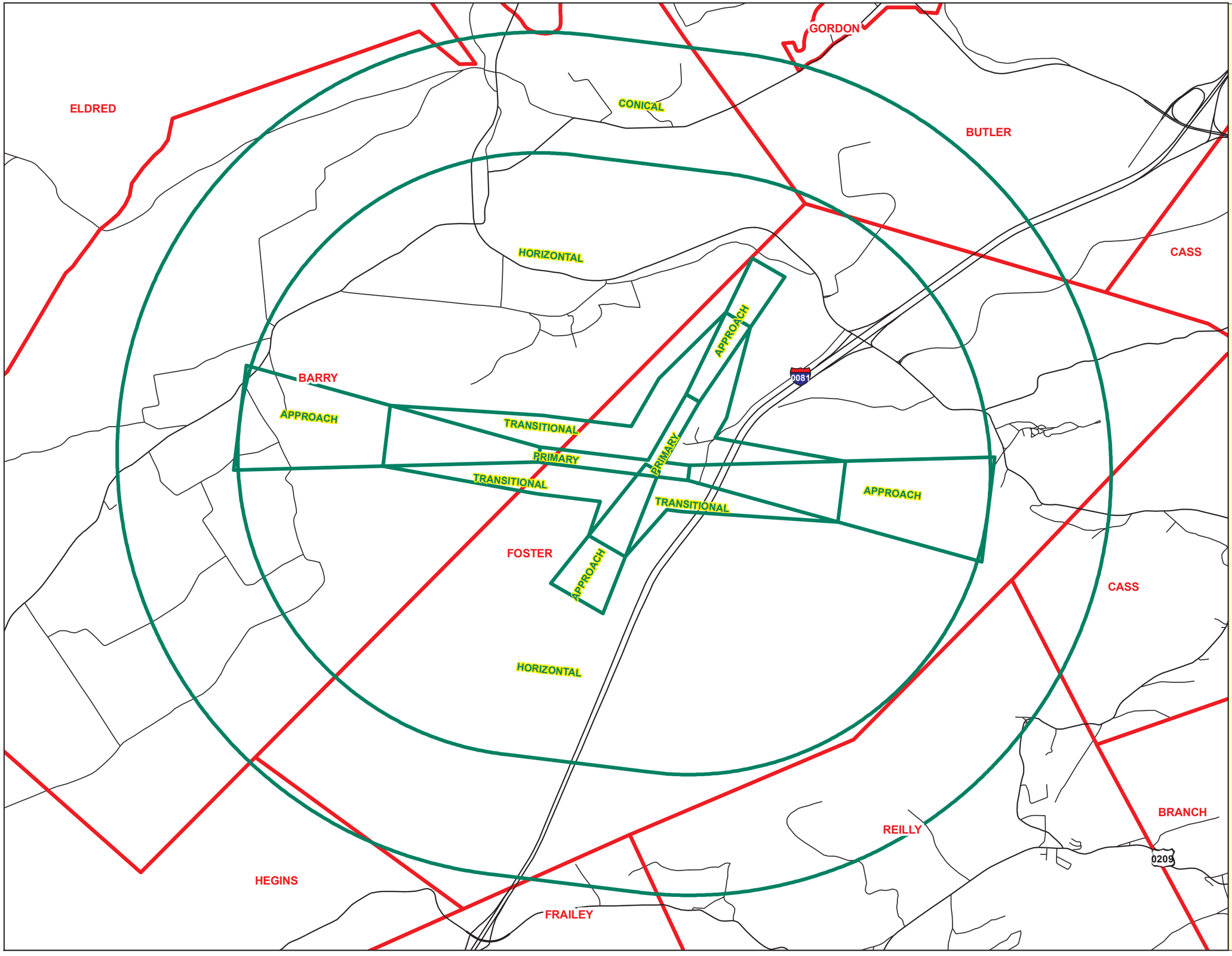


THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER OF A VEHICLE INTENDING TO MAKE A LEFT TURN INTO A DRIVEWAY CAN CONTINUOUSLY SEE A VEHICLE APPROACHING FROM THE OPPOSITE DIRECTION.

FORMULA SIGHT DISTANCE TABLE

Speed (V) (Miles Per Hour)	Average Grade (G) (Percent)										
	Use plus grades when approaching vehicle is travelling upgrade.										
	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0
25	147	145	144	143	142	140	139	138	137	136	135
30	196	194	191	189	187	185	183	182	180	178	177
35	249	245	242	239	236	233	231	228	226	224	221
40	314	309	304	299	295	291	287	284	280	277	274
45	383	376	370	364	358	353	348	343	339	334	330
50	462	453	444	436	429	422	415	409	403	397	392
55	538	527	517	508	499	490	482	475	468	461	454
	Use negative grades when approaching vehicle is travelling downgrade.										
	0.0	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0
25	147	148	150	151	153	155	157	159	161	164	166
30	196	199	201	204	207	210	214	217	221	226	230
35	249	252	256	260	265	269	275	280	286	292	299
40	314	319	325	331	338	345	352	360	369	379	389
45	383	390	398	406	415	425	435	447	459	472	487
50	462	471	481	492	504	517	531	546	563	581	600
55	538	550	562	576	590	606	622	641	661	682	706

APPENDIX D
SCHUYLKILL COUNTY AIRPORT SURFACES AREAS MAP



Schuylkill County Airport Surface Areas

Legend

- Part 77 Surfaces
- Municipal Boundary
- County Boundary
- Road

Draft: Preliminary Use Only

0 0.5 Miles

1 in = 0.6 miles

N W E S

Created by URS Corporation on behalf of PennDOT Bureau of Aviation
March 11, 2010

APPENDIX E
ZONING PERMIT FEE SCHEDULE

PLEASE SEE THE FOSTER TOWNSHIP MASTER FEE SCHEDULE AS ADOPTED FOR CURRENT ZONING FEE SCHEDULE

APPENDIX F
APPLICATION FOR ZONING PERMIT

APPENDIX F.1
FOSTER TOWNSHIP ZONING APPLICATION – RESIDENTIAL

FOSTER TOWNSHIP

1540 SUNBURY ROAD, POTTSVILLE, PA 17901 | 570-544-4137
www.fostertwp.org

RESIDENTIAL ZONING PERMIT APPLICATION

Fill-out all information requested below; sign and date. Attach Location Diagram on Separate Sheet.

OWNERSHIP

	Property Owner	Applicant
Name:		
Address:		
Phone No.:		
Cell Phone No.:		
Email Address:		

SITE INFORMATION

Property Address _____
Parcel Number _____
Present Building(s), Describe _____
Present Use of Land _____
Zoning District _____
Is your property located in the floodplain? ☐ Yes ☐ No
If yes, what FEMA Floodzone? ☐ A ☐ AE

Estimated Value of Work _____
Description of Work _____

PROPOSED USE OF STRUCTURE AND/OR LAND: (PLEASE CHECK ALL THAT APPLY)

☐ New Building	☐ Driveway	☐ Deck
☐ Exterior Alteration	☐ Accessory Building	☐ Pool
☐ Interior Alteration	☐ Accessory Structure	☐ Change of Use
☐ Addition to Building	☐ Temporary Building	☐ Home Occupation
☐ Razing/Demolition	☐ Temporary Structure	☐ _____
☐ Addition to Building	☐ Mobile Home	☐ _____
☐ Parking Lot	☐ Patio	☐ _____

Proposed Use of Structure (& Number of Families) _____

LIST ALL ADDITIONAL PERMITS REQUIRED TO COMPLETE THE PROJECT:

Permit Type	Permit Number	Permit Type	Permit Number

Revised May 13, 2021

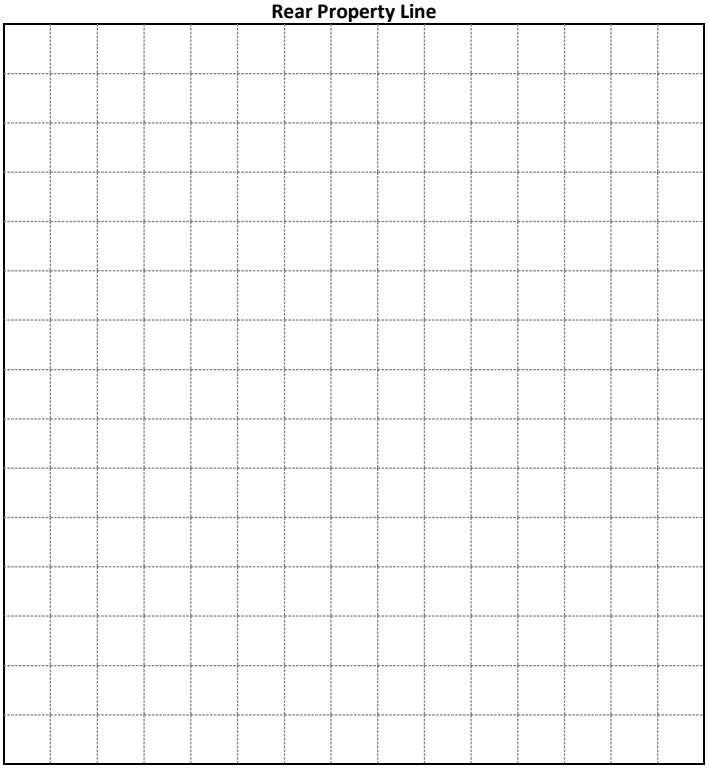
RESIDENTIAL ZONING PERMIT APPLICATION

GENERAL PROJECT INFORMATION: (PLEASE CHECK ALL THAT APPLY)

Lot Information		Official Use Only	
		Adequate	Inadequate
Lot Size (Sq. Ft.)		☐	☐
Lot Width (L.F.)		☐	☐
Existing Lot		☐	☐
Proposed Lot		☐	☐
Front Yard Setback		☐	☐
Side Yard Setback #1		☐	☐
Side Yard Setback #2		☐	☐
Rear Yard Setback		☐	☐
Height of Building/Structure		☐	☐
Off Street Parking Spaces Provided		☐	☐

PROPERTY SKETCH\PLOT PLAN (Please

Rear Property Line



Front Property Line

Show all existing and proposed structures, driveway, improvements, etc. Also show property lines and indicate building setback lines from all properties.

1 square = _____ feet

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on the attached diagram and/or to use the premises for the purposes described herewith. The information, which follows, together with location diagram, is made part of this application by the undersigned. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, such as might or would operate to cause a refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of this permit, without approval of the Zoning Office, shall constitute sufficient ground for the revocation of this permit.

RESIDENTIAL ZONING PERMIT APPLICATION

NOTE: In the case of floodplain development, the applicant is required to submit detailed site plans and structural plans as specified to the Foster Township Floodplain Administrator.

Owners Signature / Applicant Signature _____ **Date** _____

Zoning Officer _____ **Date** _____

Notes

For ALL New Building, Construction, Alteration & Demolition

a. The permittee shall be responsible for establishing the property lines between his/her property and that of any adjoiner prior to constructing a fence/wall between the properties.
b. To drain swimming pool water it should be pumped through existing filtering system into house drainage system.
c. All proposed structures that will provide water service and/or sewerage shall utilize public water supply and/or public sanitary sewer system or approved on-lot system per Township Ordinance.
d. Development within floodplains is subject to the requirements of Township Ordinance No. 2021-01 regulating areas subject to flooding.
e. Applicant intending to construct adjoining public roadways with the intention of placing an access driveway from their property MUST obtain a highway occupancy permit from the PA Department of Transportation or from the Foster Township, if access a Township Roadway.
f. Applicant shall be responsible to obtain approval from the Schuylkill Conservation District when applicable to the project.
g. THIS PERMIT WHEN APPROVED SHALL BE VALID FOR A PERIOD OF TWO (2) YEARS FROM DATE OF ISSUANCE, UNLESS A TIME EXTENSION IS GRANTED IN WRITING BY THE ZONING OFFICER OR OTHER AUTHORIZED TOWNSHIP OFFICIAL. NOT PICKED UP BY APPLICANT, THIS PERMIT EXPIRES ONE HUNDRED EIGHTY (180) DAYS AFTER APPROVAL DATE
h. This permit applies to Foster Township Zoning Permit Ordinance Only and SHALL NOT relieve the applicant from obtaining such other permits as may be required by law.

For Township Use Only

FEE:	☐ Application Fee	$_____	Check Number:_____
ISSUANCE FEE	☐ Application Fee	$_____	Check Number:_____
RE-REVIEW FEE	☐ Application Fee	$_____	Check Number:_____
BALANCE DUE		$_____	Check Number:_____

APPROVAL: **Approved** ☐ **Date** _____
Denied ☐ **Date** _____

APPROVAL CONDITIONS:

_____

_____

REASON FOR DENIAL:

_____

_____

PERMIT ISSUED BY:_____ **TITLE:**_____ **DATE:**_____

APPENDIX F-2
FOSTER TOWNSHIP ZONING APPLICATION – COMMERCIAL AND INDUSTRIAL

Foster Township

1540 SUNBURY ROAD, POTTSVILLE, PA 17901 | 570-544-4137
www.fostertwp.org

COMMERCIAL/INDUSTRIAL ZONING PERMIT APPLICATION

Fill-out all information requested below; sign and date. Attach Location Diagram on Separate Sheet.

OWNERSHIP

	Property Owner	Applicant
Name:		
Address:		
Phone No.:		
Cell Phone No.:		
Email Address:		

SITE INFORMATION

Property Address _____
Parcel Number _____
Present Building(s), Describe _____
Present Use of Land _____
Zoning District _____
Is your property located in the floodplain? ☐ Yes ☐ No
If yes, what FEMA Floodzone? ☐ A ☐ AE

Estimated Value of Work _____
Description of Work _____

PROPOSED USE OF STRUCTURE AND/OR LAND: (PLEASE CHECK ALL THAT APPLY)

- ☐ New Building
- ☐ Exterior Alteration
- ☐ Interior Alteration
- ☐ Addition to Building
- ☐ Razing/Demolition
- ☐ Addition to Building
- ☐ Parking Lot
- ☐ Driveway
- ☐ Accessory Building
- ☐ Accessory Structure
- ☐ Temporary Building
- ☐ Temporary Structure
- ☐ Mobile Home
- ☐ Patio
- ☐ Sign
- ☐ Change of Use
- ☐ Timbering
- ☐ _____
- ☐ _____
- ☐ _____

Proposed Use of Structure: _____

LIST ALL ADDITIONAL PERMITS REQUIRED TO COMPLETE THE PROJECT:

Permit Type	Permit Number	Permit Type	Permit Number

Revised May 13, 2021

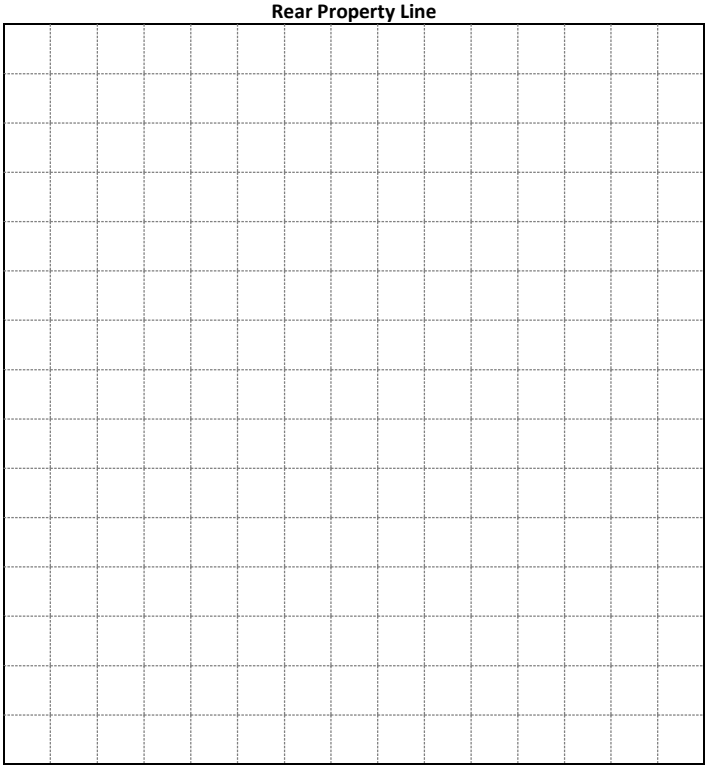
COMMERCIAL/INDUSTRIAL PERMIT APPLICATION

GENERAL PROJECT INFORMATION: (PLEASE CHECK ALL THAT APPLY)

Lot Information		Official Use Only	
		Adequate	Inadequate
Lot Size (Sq. Ft.)		☐	☐
Lot Width (L.F.)		☐	☐
Existing Lot		☐	☐
Proposed Lot		☐	☐
Front Yard Setback		☐	☐
Side Yard Setback #1		☐	☐
Side Yard Setback #2		☐	☐
Rear Yard Setback		☐	☐
Height of Building/Structure		☐	☐
Buffer Strips		☐	☐
Parking Spaces Provided		☐	☐
Loading Space Provided		☐	☐
Signage Area (Provide separate drawing with signage detail)		☐	☐

PROPERTY SKETCH\PLOT PLAN (Please

Rear Property Line



Front Property Line

Show all existing and proposed structures, driveway, improvements, etc. Also show property lines and indicate building setback lines from all properties.

1 square = _____ feet

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on the attached diagram and/or to use the premises for the purposes described herewith. The information, which follows, together with location diagram, is made part of this application by the undersigned. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, such as might or would operate to cause a refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of this permit, without approval of the Zoning Office, shall constitute sufficient ground for the revocation of this permit.

COMMERCIAL/INDUSTRIAL ZONING PERMIT APPLICATION

NOTE: In the case of floodplain development, the applicant is required to submit detailed site plans and structural plans as specified to the Foster Township Floodplain Administrator.

Owners Signature / Applicant Signature _____ **Date** _____

Zoning Officer _____ **Date** _____

Notes

For ALL New Building, Construction, Alteration & Demolition

a. The permittee shall be responsible for establishing the property lines between his/her property and that of any adjoiner prior to constructing a fence/wall between the properties.
b. All proposed structures that will provide water service and/or sewerage shall utilize public water supply and/or public sanitary sewer system or approved on-lot system per Township Ordinance.
c. Development within floodplains is subject to the requirements of Township Ordinance No. 2021-01 regulating areas subject to flooding.
d. Applicant intending to construct adjoining public roadways with the intention of placing an access driveway from their property MUST obtain a highway occupancy permit from the PA Department of Transportation or from the Foster Township, if access a Township Roadway.
e. Applicant shall be responsible to obtain approval from the Schuylkill Conservation District when applicable to the project.
f. THIS PERMIT WHEN APPROVED SHALL BE VALID FOR A PERIOD OF TWO (2) YEARS FROM DATE OF ISSUANCE, UNLESS A TIME EXTENSION IS GRANTED IN WRITING BY THE ZONING OFFICER OR OTHER AUTHORIZED TOWNSHIP OFFICIAL. NOT PICKED UP BY APPLICANT, THIS PERMIT EXPIRES ONE HUNDRED EIGHTY (180) DAYS AFTER APPROVAL DATE
g. This permit applies to Foster Township Zoning Permit Ordinance Only and SHALL NOT relieve the applicant from obtaining such other permits as may be required by law.

For Township Use Only

FEE:	☐ Application Fee	$_____	Check Number:_____
ISSUANCE FEE	☐ Application Fee	$_____	Check Number:_____
RE-REVIEW FEE	☐ Application Fee	$_____	Check Number:_____
BALANCE DUE		$_____	Check Number:_____

APPROVAL: **Approved** ☐ **Date** _____
Denied ☐ **Date** _____

APPROVAL CONDITIONS:

_____

_____

REASON FOR DENIAL:

_____

_____

PERMIT ISSUED BY: _____ **TITLE:** _____ **DATE:** _____

APPENDIX F-3
FOSTER TOWNSHIP HEARING APPLICATION

FOSTER TOWNSHIP

1540 SUNBURY ROAD, POTTSVILLE, PA 17901 | 570-544-4137
www.fostertwp.org

APPLICATION FOR HEARING BEFORE THE ZONING HEARING BOARD OF FOSTER TOWNSHIP

Application is hereby made to the Zoning Hearing Board of Foster Township to request a hearing regarding the matter(s) presented herein. This Application is submitted in accordance with the Zoning Ordinance of Foster Township and the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended.

SECTION A. LOCATION AND OWNERSHIP OF PROPERTY

1. PROPERTY OWNER _____ PHONE _____

   EMAIL _____ FAX _____

2. MAILING ADDRESS _____

SECTION B. APPLICANT

1. NAME OF APPLICANT _____ PHONE _____

2. ADDRESS OF APPLICANT _____

SECTION C. TYPE OF REQUEST

☐ Appeal ☐ Challenge ☐ Variance ☐ Special Exception ☐ Interpretation ☐ Other _____

IN REFERENCE TO: Article _____ Section _____ Paragraph _____ Page No. _____

Article _____ Section _____ Paragraph _____ Page No. _____

Article _____ Section _____ Paragraph _____ Page No. _____

SECTION D. ZONING PERMIT APPLICATION

Date of Application for Zoning Permit: _____

Date of Zoning Officer's refusal to grant Permit: _____ (attach Zoning Officer's written response)

NOTE: A Zoning Permit must be FIRST APPLIED FOR AND REFUSED IN WRITING by the Foster Township Zoning Officer prior to applying for a hearing before the Zoning Hearing Board.

SECTION E. BRIEF DESCRIPTION OF REQUEST

_____

_____

_____

_____

_____

SECTION F. GROUNDS (RATIONALE) SUPPORTING THE REQUEST, STATE CODE SECTION (IF APPLICABLE)

_____

_____

_____

_____

_____

Issued March 19, 2002, Revised May 13, 2021

APPLICATION FOR HEARING BEFORE THE ZONING HEARING BOARD OF FOSTER TOWNSHIP

Attachments: _____

_____

SECTION G. PROPERTY INFORMATION

PROPERTY LOCATION: _____

_____

_____

Date Purchased: _____ Lot Area (SF): _____

Present Use: _____ Lot Width: _____

Proposed Use: _____ Lot Depth: _____

Zoning District: _____ Tax-ID No: _____

Deed Book/Page Number: _____

NOTE: Attach survey or legal description of property, if necessary.

SECTION H. CERTIFICATION

"I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I further certify that I am authorized by the owner to make the foregoing application. I understand that if I knowingly make any false statement herein, I am subject to such penalties as may be prescribed by law or ordinance."

1. NAME OF APPLICANT (Print or Type) _____

2. APPLICANT'S SIGNATURE _____ DATE _____

For Township Use Only

1. DATE APPLICATION RECEIVED: _____ RECEIVED BY: _____ FEE: $_____

2. TAX-ID NO. _____

3. SITE LOCATION _____ ZONING DISTRICT _____

APPROVAL - DENIAL - DATE OF ACTION TAKEN

4. APPLICATION FOR SPECIAL EXCEPTION OR VARIANCE: ☐ YES ☐ NO

(If application is for a Special Exception or Variance, a copy must be forwarded to the Planning Commission and Township Supervisors for review and comment prior to the hearing.)

PLANNING COMMISSION: Date Referred _____ Comments returned _____

TOWNSHIP SUPERVISORS: Date Referred _____ Comments returned _____

5. APPLICATION FOR HEARING APPROVED: ☐ YES ☐ NO DATE _____

REASON FOR DENIAL:

_____

_____

6. PUBLIC NOTIFICATION OF HEARING: Dates: _____ Newspaper: _____

7. PUBLIC HEARING: Date:_____ Time:_____ Place: _____

8. ZONING HEARING BOARD'S DECISION ON REQUEST: ☐ APPROVED ☐ REJECTED DATE:_____

REMARKS:

_____

_____

9. Letter sent to Applicant on _____

Issued March 19, 2002, Revised May 13, 2021

APPENDIX G
ENACTED AND ORDAINED ORDINANCE NO. 04-2023

ORDINANCE NO. 04-2023

AN ORDINANCE OF THE TOWNSHIP OF FOSTER, SCHUYLKILL COUNTY, PENNSYLVANIA, A SECOND CLASS TOWNSHIP, AMENDING THE FOSTER TOWNSHIP ZONING ORDINANCE TO CHANGE ADMINISTRATIVE SECTIONS, CHANGE DEFINITIONS, CHANGE OFF-STREET PARKING REGULATIONS, CHANGE CHAPTER 8, GENERAL REGULATIONS, CHANGE CHAPTER 11, WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS, CHANGE THE MAP TO ADJUST THE ZONING BOUNDARIES VC-1, C-1, I-1 AND R-2, AND CHANGE THE FORMAT OF THE ORDINANCE ITSELF SO THAT IT CAN EVENTUALLY BE CODIFIED ALONG WITH OTHER TOWNSHIP ORDINANCES.

The Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania (the "Township"), hereby enacts and ordains as follows:

WHEREAS, The Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, adopted a Zoning Ordinance based upon a duly prepared Comprehensive Plan; and

WHEREAS, said Foster Township Zoning Ordinance provides for amendments pursuant to the Municipalities Planning Code, 53 P.S. § 10101, et seq.; and

WHEREAS, the Board of Supervisors wishes to amend said Township Ordinance; and

WHEREAS, the said amendments have been prepared by the Township Solicitor and Township Engineer and forwarded to both the County and Township Planning Commission for review; and

WHEREAS, public hearings have been held after being duly published in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Second Class Township Code, 53 P.S. §66601(d), specifically allows the Board of Supervisors to consolidate or codify the general body of township ordinances or the ordinances on a particular subject; and

WHEREAS, Foster Township desires for the Zoning Ordinance to be made part of its codification known as the Foster Township Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, and it is hereby ordained and enacted by the authority of same that the Ordinance is amended to read as follows:

IN RE: AN ORDINANCE OF THE TOWNSHIP OF FOSTER, SCHUYLKILL COUNTY, PENNSYLVANIA, A SECOND CLASS TOWNSHIP, AMENDING THE FOSTER TOWNSHIP ZONING ORDINANCE TO CHANGE ADMINISTRATIVE SECTIONS, CHANGE DEFINITIONS, CHANGE OFF-STREET PARKING REGULATIONS, CHANGE CHAPTER 8, GENERAL REGULATIONS, CHANGE CHAPTER 11, WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS, CHANGE THE MAP TO ADJUST THE ZONING BOUNDARIES VC-1, C-1, I-1 AND R-2, AND CHANGE THE FORMAT OF THE ORDINANCE ITSELF SO THAT IT CAN EVENTUALLY BE CODIFIED ALONG WITH OTHER TOWNSHIP ORDINANCES.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, on the 6 day of September, 2023.

TOWNSHIP SEAL

JANET MITCHELL, Secretary
Foster Township
1540 Sunbury Road
Pottsville, PA 17901
Telephone No. (570) 544-4137

DULY ENACTED AND ORDAINED by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, this 6 day of September, 2023, in lawful session duly assembled.

ATTEST:

FOSTER TOWNSHIP BOARD OF SUPERVISORS, FOSTER TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA

Secretary

Chairperson

(SEAL)

APPENDIX H
ZONING MAP

Zoning Map

Foster Township

Schuylkill County, Pennsylvania

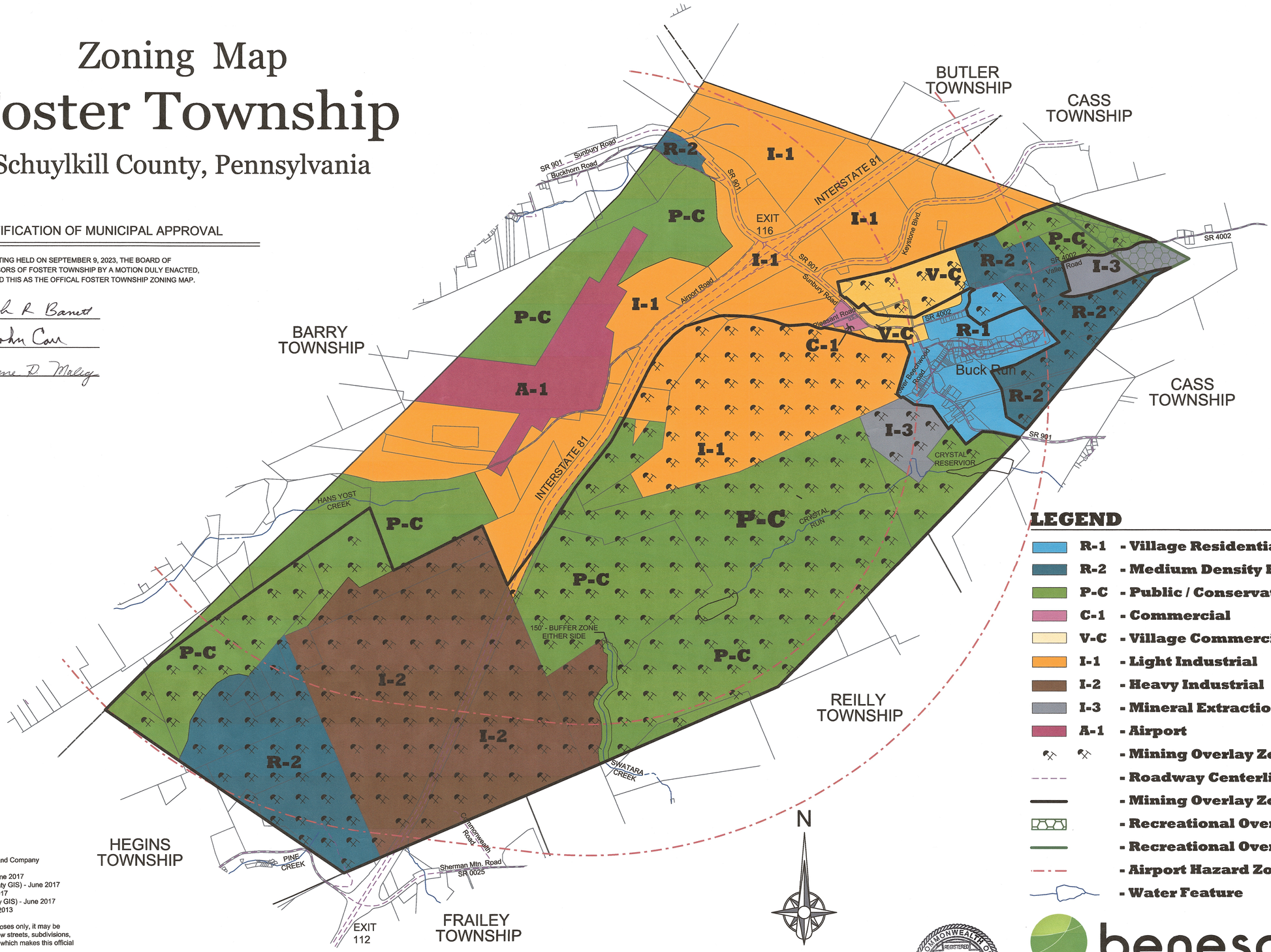
CERTIFICATION OF MUNICIPAL APPROVAL

AT A MEETING HELD ON SEPTEMBER 9, 2023, THE BOARD OF SUPERVISORS OF FOSTER TOWNSHIP BY A MOTION DULY ENACTED, APPROVED THIS AS THE OFFICAL FOSTER TOWNSHIP ZONING MAP.

Josh R Banet

John Carr

Eugene D Maliq



N

1500' 0 1500' 3000'

LEGEND

- R-1 - Village Residential
- R-2 - Medium Density Residential
- P-C - Public / Conservation
- C-1 - Commercial
- V-C - Village Commercial
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- I-3 - Mineral Extraction
- A-1 - Airport
- - Mining Overlay Zone
- - Roadway Centerline
- - Mining Overlay Zone Boundary Line
- - Recreational Overlay Zone
- - Recreational Overlay Zone Boundary Line
- - Airport Hazard Zone Boundary Line
- - Water Feature

COMMONWEALTH OF PENNSYLVANIA REGISTERED PROFESSIONAL DANIEL PATRICK COOK ENGINEER PE070139

Daniel P. Cook 9/6/23

Base map updated by: Alfred Benesch and Company
Data Sources:
Parcel Data (Schuylkill County GIS) - June 2017
Stream and Water Data (Schuylkill County GIS) - June 2017
Roads (Schuylkill County GIS) - June 2017
Municipal Boundaries (Schuylkill County GIS) - June 2017
Airport Overlay (PennDOT) - February 2013

From time to time, for informational purposes only, it may be beneficial to add information, such as new streets, subdivisions, parcels, landmarks, or other information which makes this official map more understandable.

Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes will be noted by date with a brief description of the nature of the change, either on the map or within an appendix to the Ordinance.

Proposed Zoning Changes added July 2023

\ 31197.40 Rev.2021.1224

benesch

Alfred Benesch & Company
400 One Norwegian Plaza
Pottsville, Pennsylvania 17901
570-622-4055

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