

**FOSTER TOWNSHIP
McKEAN COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 147
ZONING ORDINANCE**

WHEREAS, pursuant to the Second Class Township Code, Foster Township (the “Township”) is authorized to provide for zoning within the Township; and

WHEREAS, the Township has previously provided for zoning within the Township by adopting Ordinance Numbers 23, 87, and 89; and

WHEREAS, the Township finds it necessary and appropriate to repeal Ordinance Numbers 23, 87, and 89 and to adopt a comprehensive ordinance which more fully sets forth those zoning provisions which are relevant to the Township.

NOW, THEREFORE, be it enacted and adopted, and it is hereby enacted and adopted, by the Supervisors of Foster Township, as follows:

§100. Enactment, Title, and Purpose.

1. Title - This Ordinance shall be known and may be cited as the Zoning Ordinance of Foster Township, McKean County, Pennsylvania (the “Ordinance”).

2. Purpose – As part of the comprehensive development plan for the Township, the comprehensive zoning plan, as set forth in the text and maps which constitute this Ordinance, is adopted in order to promote public health, safety, morality and general welfare. The goals of the Township include, but are not limited to, the following purposes: to provide for adequate light, air, water, schools, recreation areas, transportation, sewerage, drainage and other public needs; to provide against over-population, traffic congestion and public panics; and to provide for proper development of residential, business and industrial areas in order to conserve property values, conserve funds ear-marked for public improvement, promote the development of fossil fuel energy resources and renewable energy resources, promote energy conservation, and encourage the most appropriate use of land throughout the Township.

3. Community Development Objectives – This Ordinance is to render a legal basis and framework for the future land use plan and development goals established by the Township Planning Commission and Township Supervisors. The objectives guiding future growth and improvement are to promote the most economical and efficient provision of municipal services; eliminate hazardous and detrimental land uses while encouraging beneficial and compatible land uses; maintain a healthful residential environment with adequate recreational, commercial and industrial support areas for the Township and the region; preserve forest and steep slope areas; protect and conserve open spaces, drainage ways and flood plains; and, in general, avoid the problems of random development which is inconsistent with Township goals and objectives.

§101. Establishment of Zoning Districts and Maps.

1. Establishment of Zoning Districts – The Township of Foster shall hereby be divided into the following Zoning Districts:

Residential Districts

F/S – Forest Slope Districts

R-1 – Residential Districts

R-2 – Residential Districts

Commercial Districts

C – Business and Commercial District

Manufacturing Districts

M – Manufacturing District

2. Incorporation of Zoning District Map – The location and boundaries of the aforesaid zoning districts are shown on a series of maps entitled the “Official Zoning Map of Foster Township”, which, with all explanatory matter thereon, is hereby incorporated into this Ordinance and shall be as much as part hereof as if fully set forth and described herein.

3. Interpretation of Zoning Boundaries – Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the Foster Township Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately, following or as approximately parallel to the center lines of streets or highways, street lines, or highway right-of-way lines or lines parallel thereto shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks or said railroad line.

D. Boundaries indicated as approximately following municipality limits shall be construed as following such municipality limits.

E. Boundaries indicated as following shore lines shall be construed as following such shore lines and, in the event of change in shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed as following such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in circumstances not covered by Subsections A through E herein, or in case of doubt or disagreement concerning the exact location of the boundary lines, the Zoning Hearing Board shall interpret the district boundaries.

H. Where a district boundary line divides a lot, the regulations as to use in the less restricted district may extend over the portion of the lot into the more restricted district a distance of not more than fifty feet (50') beyond the district boundary line.

§102. Application of Regulations.

1. General Application – Except as hereinafter provided and except for farm or oil structures:

A. No building, other structure or land shall hereafter be used or occupied, and no building or other structure, or parts thereof shall be erected, relocated, altered, extended or enlarged unless in conformity with the use, height and area regulations specified herein for the district in which such building, other structure or land is located, and in conformity with all other regulations of this Ordinance.

B. No lot area shall be reduced or diminished so that the yards or other open space thereon shall be less than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with area requirements herein established. If, on the effective date hereof or of any subsequent amendments hereto increasing the area or open space requirements, the lot area or required open spaces are less than the minimum required by this Ordinance, such area or open space shall not be further reduced.

C. No yard or other open space provided on one lot for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space required on any other lot.

D. Unless otherwise specified herein, the requirements for area, width and open space shall be deemed to be minimum requirements.

2. Certain Public Uses Excluded – The regulation of this Ordinance shall not be so construed as to limit or interfere with the dedication, development or use of any land or building for public parks, public playgrounds or public schools required for compulsory education, or with the use of land or buildings owned by the United States Government, the Commonwealth of Pennsylvania, McKean County, any municipal authorities, or Foster Township, and used for governmental purposes; or with the construction, installation, operation or maintenance for public utility purposes of water or gas pipes, mains or conduits, electric light or electric power

transmission lines or distribution lines, telephone or telegraph lines, oil pipe lines, sewers, sewer mains or incidental appurtenances, or with any highway or railroad right-of-way existing or hereafter authorized by the Commonwealth of Pennsylvania, McKean County, or Foster Township. These exceptions, however, shall not be interpreted to permit yards, garages, or other buildings for services or storage by said public utilities which are otherwise permitted by this Ordinance in appropriate districts.

3. Commencement of Construction – Nothing contained in this Ordinance shall prevent the construction of a building or other structure which is made nonconforming by this Ordinance, or subsequent amendments hereto, provided that either:

A. Construction of the foundation shall have been lawfully commenced prior to the effective date hereof and construction has thereafter been diligently prosecuted; or

B. The Zoning Hearing Board makes a finding that substantial expenditures have been made or substantial financial obligations have been incurred for such nonconforming building or structure prior to the nonconforming date.

4. Severability – It is hereby declared to be the intent of the Board of Township Supervisors that:

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

B. If a court of competent jurisdiction finds the application of any provisions of this Ordinance to any building, structure or tract of land to be invalid in whole or in part, the effect of such decision shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

§103. Interpretation of Permitted Uses.

1. When a use is specifically listed as a permitted use in a zoning district, such use shall be interpreted as being excluded from the listing of permitted uses in any other zoning district. If any such use could be construed to be incorporated within a more general use listing, the more specific listing shall control.

2. No use shall be permitted in any zoning district unless specifically stated to be permitted in a specific or general permitted use listing for such zoning district.

3. In the case of a use not listed separately or in a general use listing as a permitted use in any zoning district, no building permit or certificate of zoning compliance shall be issued for such use unless and until this Ordinance has been amended including such use as a permitted use in an appropriate zoning district.

PART 2
Forest/Slope

§200 . Forest/Slope Districts. Intended Purpose –

This district is designed to protect areas in the Township, particularly those areas of steep slopes, for the preservation and conservation of the natural environment; to minimize soil erosion; to permit and encourage the retention of forested land; and to permit non-intensive land uses that constitute a harmonious and appropriate use in selected areas of the Township.

1. Permitted Uses and Structures –

A. Principal Uses –

- (1) public conservation areas and structures for the conservation of open land, water, soil, wildlife resources and historical preservation;
- (2) agricultural, floricultural and horticultural pursuits, including but not limited to general farms, greenhouses, plant nurseries, truck gardens, dairies and the raising of bees, poultry and livestock together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits;
- (3) single family detached dwelling units, seasonal cottages, hunting and fishing cabins;
- (4) public park and recreation areas, game refuges and similar non-intensive uses;
- (5) radio/television/cell towers;
- (6) electric and telephone public utility transmissions and distribution facilities, including substations;
- (7) municipal buildings and facilities, including water pumping stations, reservoirs and similar structures;
- (8) public camps, camping grounds and facilities;
- (9) oil and gas production, including pumps and storage for material necessary to pumping operations;
- (10) nursing or convalescent homes;

- (11) private golf course catering exclusively to members and their guests, provided that any building thereon shall be at least one hundred feet (100') from any lot line and no commercial activity shall be conducted except for an accessory swimming pool, "pro" shop, or an accessory dining room with or without bar facilities;
- (12) animal hospitals, riding stables and the keeping of small animals, including fur-bearing animal farms, provided, however, that buildings, pens or runways for the confinement of animals be at least one hundred feet (100') from any adjoining property line . The above restriction shall not apply to pasture or exercise tracks for horses;
- (13) private wildlife reservations or conservation projects, including the usual buildings therefor;

B. Accessory Uses –

- (1) private garage;
- (2) quarters for servants employed upon the premises;
- (3) private stable for not more than two (2) horses, providing the area of the lot is two acres or more, and is located at least fifty feet (50') from any lot line. The manure from such stables shall be stored in a manner which will effectively control the odor and flies;
- (4) building for private horticultural purposes provided that no solid fuel is used and that such building shall be located at least twenty feet (20') from any lot line and shall not exceed twelve feet (12') in height;
- (5) the keeping of not more than two (2) roomers or lodgers or transient guests;
- (6) signs shall be permitted as follows:
 - (a) identification sign - one non-illuminated sign not exceeding two (2) square feet in area and indicating only the name and address of the occupant or a permitted occupation. Such sign may be attached to a building or may be on a separate support not more than 4 feet in height and shall be at least five feet (5') from any property line or street line;
 - (b) real estate signs:

- 1) one (1) non-illuminated sign not exceeding six (6) square feet in area and advertising only the prospective sale or rental of the premises on which such sign shall not be placed within ten feet (10') of any property line or street line .
 - 2) one (1) non-illuminated sign not exceeding fifty (50) square feet in area in connection with the development of subdivision of real property. Such sign shall be permitted for a period of not to exceed one year and shall not be placed within twenty-five feet (25') of any lot line or street line.
- (c) cemetery, golf course, or institutional signs - one non-illuminated bulletin board or identification sign not exceeding sixteen (16) square feet in area. Such sign shall not be placed within ten feet (10') of any property line or street line;
 - (d) public signs - any signs placed by any governmental agency for a public purpose.
- (7) private family swimming pool subject to the issuance of a building permit, provided that it is located in the rear of the front setback line and does not occupy any part of a required side yard. In the case of any private, non-movable swimming pool more than twenty-four inches (24") in depth, the pool deck or the immediate surrounding yard shall be completely enclosed by a chain link fence or a substitute type of fence, approved by the Building Inspector, which offers the same degree of security against accidental or unauthorized entry. Such fence shall be kept locked when no one is on the premises;
 - (8) storage of house trailers, utility trailers or boats, owned by the occupant of the premises, for his personal use, shall be permitted only in a rear yard;
 - (9) home occupations as defined in the definitions section of this Ordinance;
 - (10) other customary accessory use, but not including any use conducted for gain or an access drive or walk to a business or industrial premises.

C. Uses by Special Exception –

- (1) uses which, in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted uses;

- (2) semi-public or private recreational areas, game and wildlife hunting and gun clubs, historical preservation areas, camps, camping grounds and facilities;
- (3) horse riding stables;
- (4) winter sports areas and ski lodges;
- (5) country clubs and golf courses;
- (6) churches and cemeteries;
- (7) public and private nursery; kindergarten, elementary and secondary schools and institutions of higher education;
- (8) gun club;
- (9) gravel pit;
- (10) quarry.

2. Required Lot Size –

- A. Lot Area - Five (5) acres.
- B. Lot Width - Three hundred feet (300') at front setback line.

3. Required Open Space –

- A. Front Yard - Seventy-five feet (75').
- B. Side Yards (two (2) required) - Fifty feet (50').
- C. Rear Yard - Fifty feet (50').
- D. Open space between principal buildings on a single lot – no vertical wall of a principal building shall be nearer to a vertical wall of any other principal building than thirty feet (30') or a distance equal to the average height of such vertical walls measured from adjoining finished grade, whichever is greater.

4. Maximum Height of Buildings –

- A. Single Family Dwellings and Other Principal Buildings - Two and one-half (2 ½) stories not to exceed thirty feet (30').

- B. Accessory Buildings - One (1) story not to exceed fifteen feet (15').
- 5. Off-Street Parking Regulations - See Part 5.
- 6. Supplemental Regulation Regulations - Pertaining to use, height, area or open space, see Part 6.

R1

§201. R1 Residence Districts. Intended Purpose -

It is the purpose of this district to accommodate a medium-low density development of primarily residential usage, but recognizing a wide range of usages not necessarily detrimental to the primary use. It is composed of areas of the Township where such developments are now located. The regulations for these districts are intended to protect and stabilize the prevailing characteristics and to offer diversity in land use necessary for a viable community.

1. Permitted Uses, and Structures –

A. Principal Uses –

- (1) single family dwelling;
- (2) two-family or multi-family dwellings or dwelling groups;
- (3) fire station without club facilities;
- (4) agricultural, floricultural and horticultural pursuits, including but not limited to general farms, greenhouses, plant nurseries, truck gardens, dairies and the raising of bees, poultry and livestock together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits;
- (5) nursing or convalescent homes.

B. Accessory Uses –

- (1) private garage;
- (2) quarters for servants employed upon the premises;
- (3) private stable for not more than two (2) horses, providing the area of the lot is two acres or more, and is located at least fifty feet (50') from any lot line. The manure from such stables shall be stored in a manner which will effectively control the odor and flies;
- (4) building for private horticultural purposes provided that no solid fuel is used and that such building shall be located at least twenty feet (20') from any lot line and shall not exceed twelve feet (12') in height;

- (5) the keeping of not more than two (2) roomers or lodgers or transient guests;
- (6) signs shall be permitted as follows:
 - (a) identification sign - one non-illuminated sign not exceeding two (2) square feet in area and indicating only the name and address of the occupant or a permitted occupation. Such sign may be attached to a building or may be on a separate support not more than 4 feet in height and shall be at least five feet (5') from any property line or street line;
 - (b) real estate signs:
 - 1) one (1) non-illuminated sign not exceeding six (6) square feet in area and advertising only the prospective sale or rental of the premises on which such sign shall not be placed within ten feet (10') of any property line or street line.
 - 2) one (1) non-illuminated sign not exceeding fifty (50) square feet in area in connection with the development of subdivision of real property. Such sign shall be permitted for a period of not to exceed one (1) year and shall not be placed within twenty-five feet (25') of any lot line or street line.
 - (c) cemetery, golf course, or institutional signs - one (1) non-illuminated bulletin board or identification sign not exceeding sixteen (16) square feet in area. Such sign shall not be placed within ten feet (10') of any property line or street line;
 - (d) public signs - any signs placed by any governmental agency for a public purpose.
- (7) private family swimming pool subject to the issuance of a building permit, provided that it is located in the rear of the front setback line and does not occupy any part of a required side yard . In the case of any private, non-movable swimming pool more than twenty-four inches (24") in depth, the pool deck or the immediate surrounding yard shall be completely enclosed by a chain link fence or a substitute type of fence, approved by the Building Inspector, which offers the same degree of security against accidental or unauthorized entry. Such fence shall be kept locked

when no one is on the premises;

- (8) storage of house trailers, utility trailers or boats, owned by the occupant of the premises, for his personal use, shall be permitted only in a rear yard;
- (9) home occupations as defined in the definitions section of this Ordinance;
- (10) other customary accessory use, but not including any use conducted for gain or an access drive or walk to a business or industrial premises.

C. Uses by Special Exception –

- (1) uses which, in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted principal uses, accessory uses or uses by special exception;
- (2) professional office or studio physician, dentist, lawyer, architect, engineer, musician, artist, teacher, registered nurse, when such office or studio is not located within a dwelling and is not incidental to the primary residential use. In considering the use by special exception, the Zoning Hearing Board shall interpret literally the parking and sign requirements of this Ordinance applicable to the use, and shall consider whether the use and/or the structure corresponds to the general character of the neighborhood.

2. Required Lot Size for Residential Use –

- A. Lot Area - Twelve thousand (12,000) square feet per dwelling unit.
- B. Lot Width - Seventy-five feet (75').

3. Required Open Space –

- A. Front Yard - Forty-five feet (45').
- B. Side Yard (two required) -
 - (1) dwellings up to thirty feet (30') in height – the combined width of the side yards shall be twenty-five percent (25%) of the width of the lot, but need not exceed twenty-five feet (25'). Each side yard shall equal ten percent (10%) of the width of the lot, but shall be not less than seven feet (7') and need not exceed ten feet (10')

unless a larger size is necessitated by the above provision in regard to combined width;

- (2) Other Principal Buildings - As regulated by side yard requirements.
 - C. Rear Yard - Equal to twenty-five percent (25%) of the lot depth, but shall not be less than twenty feet (20') or a distance equal to the height of the principal building, whichever is greater.
 - D. Open Space Between Principal Buildings on a Single Lot – No vertical wall of a principal building shall be nearer to a vertical wall of any other principal building than thirty feet (30') or a distance equal to the average height of such vertical walls measured from adjoining finished grade, whichever is greater.
4. Maximum Height of Buildings –
- A. Single-Family Dwelling - two and one-half (2½) stories, not to exceed thirty feet (30').
 - B. Farm or Oil Structure - No limit.
 - C. Other Principal Buildings - As regulated by side yard requirements.
 - D. Accessory Buildings - 15 feet.
5. Off-Street Parking Regulations - See Part 5.
6. Supplemental Regulations Reference - Pertaining to use, height, area or open space, see Part 6.

R2

§202. R2 Residence Districts. Intended Purpose –

It is the purpose of this district to accommodate high and medium density development of primarily residential usage, but recognize some nonresidential uses not detrimental to high and medium density residential usage when properly controlled. It is composed of areas of the Township where such developments are now located. The regulations for these districts are intended to protect and stabilize the prevailing characteristics, promote a safe and healthful environment for family life and to offer diversity in land use necessary for a viable community.

1. Permitted Uses and Structures –

A. Principal Uses –

- (1) single family dwelling;
- (2) two (2) family dwellings or multi-family dwellings or dwelling groups.
- (3) agricultural, floricultural and horticultural pursuits, including but not limited to general farms, greenhouses, plant nurseries, truck gardens, dairies and the raising of bees, poultry and livestock together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits except that any such uses shall be limited to properties which are five (5) acres in area or greater;
- (4) forest farming;
- (5) oil production, including pumps and storage areas for material necessary to pumping operations;
- (6) church or similar place of worship, parish house, convent, rectory, or parsonage;
- (7) private, non-profit elementary or secondary school accredited by the Pennsylvania Department of Education;
- (8) fire station without club facilities;
- (9) private golf course catering exclusively to members and their guests, provided that any building thereon shall be at least one hundred feet (100') from any lot line and no commercial activity shall be conducted except for an accessory swimming pool, "pro"

shop, or an accessory dining room with or without bar facilities;

- (10) animal hospitals, riding stables and the keeping of small animals, including fur-bearing animal farms, provided, however, that buildings, pens or runways for the confinement of animals be at least one hundred feet (100') from any adjoining property line . The above restriction shall not apply to pasture or exercise tracks for horses;
- (11) private wildlife reservations or conservation projects, including the usual buildings therefor;
- (12) cemeteries, including mausoleums, provided that mausoleums shall be a distance of at least two hundred feet (200') from any street line and any adjoining residential district, and that any new cemetery shall contain a single contiguous area of at least fifteen (15) acres;
- (13) mobile homes;
- (14) veterinarian;
- (15) mobile home parks;
- (16) nursing or convalescent homes.

B. Accessory Uses –

- (1) private garage ;
- (2) quarters for servants employed upon the premises ;
- (3) private stable for not more than two (2) horses, providing the area of the lot is two acres or more, and is located at least fifty feet (50') from any lot line . The manure from such stables shall be stored in a manner which will effectively control the odor and flies;
- (4) building for private horticultural purposes provided that no solid fuel is used and that such building shall be located at least twenty feet (20') from any lot line and shall not exceed twelve feet (12') in height;
- (5) the keeping of not more than two (2) roomers or lodgers or transient guests;

- (6) signs shall be permitted as follows:
- (a) identification sign - one (1) non-illuminated sign not exceeding two (2) square feet in area and indicating only the name and address of the occupant or a permitted occupation. Such sign may be attached to a building or may be on a separate support not more than 4 feet in height and shall be at least five feet (5') from any property line or street line;
 - (b) one (1) identification sign not exceeding ten (10) square feet in area for a permitted business or profession conducted on the premises shall be permitted. Such sign may be illuminated by non-flashing indirect source of light; such sign may be attached to a building or may be on a separate support not more than 4 feet in height and shall be at least five feet (5') from any property line or street line;
 - (c) an unlighted sign, not exceeding six (6) square feet in area, identifying a permitted use, or related to the sale of agricultural products grown on the premises, or crude oil produced or stored thereon.
 - (d) real estate signs:
 - 1) one (1) non-illuminated sign not exceeding six (6) square feet in area and advertising only the prospective sale or rental of the premises on which such sign shall not be placed within ten feet (10') of any property line or street line.
 - 2) one (1) non-illuminated sign not exceeding fifty (50) square feet in area in connection with the development of subdivision of real property. Such sign shall be permitted for a period of not to exceed one year and shall not be placed within twenty-five feet (25') of any lot line or street line.
 - (e) cemetery, golf course, or institutional signs - one (1) non-illuminated bulletin board or identification sign not exceeding sixteen (16) square feet in area. Such sign shall not be placed within ten feet (10') of any property line or street line;
 - (f) public signs - any signs placed by any governmental agency for a public purpose.

- (7) private family swimming pool subject to the issuance of a building permit, provided that it is located in the rear of the front setback line and does not occupy any part of a required side yard . In the case of any private, non-movable swimming pool more than twenty-four inches (24") in depth, the pool deck or the immediate surrounding yard shall be completely enclosed by a chain link fence or a substitute type of fence, approved by the Building Inspector, which offers the same degree of security against accidental or unauthorized entry. Such fence shall be kept locked when no one is on the premises;
- (8) storage of house trailers, utility trailers or boats, owned by the occupant of the premises, for his personal use, shall be permitted only in a rear yard;
- (9) home occupations as defined in the definitions section of this Ordinance;
- (10) other customary accessory uses.

C. Uses by Special Exception –

- (1) uses which, in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted uses;
- (2) radio/television transmission stations/cell towers;
- (3) telephone exchange;
- (4) tourist home;
- (5) motel;
- (6) real estate or insurance offices;
- (7) mortuary;
- (8) art, dance, music or photographic studios;
- (9) optician or optometrist;
- (10) fire station with club facilities;
- (11) meeting hall for private club, lodge or fraternal organization;

- (12) the following uses, provided they are not used primarily for the confinement of mental patients, drug or alcohol addicts or for penal or correctional purposes.
 - (a) medical building consisting of offices or clinics for medical doctors, dentists, chiropractors, chiropodists, podiatrists;
 - (b) non-profit institutions for charitable, religious, cultural, or community purposes.
 - (13) other administrative, professional, or executive offices, including but not limited to those permitted in the R-1 Zone (see §201(1)(C)), but not including the selling, manufacturing, servicing or storing of merchandise upon the premises.
2. Required Lot Size for Dwellings and Buildings of Mixed Occupancy –
- A. Lot Area - Seven thousand (7,000) square feet per dwelling unit.
 - B. Lot Width - Sixty feet (60').
3. Required Open Space –
- A. Front Yard - Forty feet (40').
 - B. Side Yards (two required) –
 - (1) dwellings up to thirty feet (30') in height – the combined width of the side yard shall be twenty-five percent (25%) of the lot width, but need not exceed twenty-five feet (25') with a minimum side yard of five feet (5').
 - (2) other principal buildings - each side yard shall equal fifteen feet (15') or a distance equal to one-half the height of the principal building, whichever is greater.
 - C. Rear Yard - Equal to twenty-five percent (25%) of the lot depth, but shall not be less than twenty feet (20') or a distance equal to the height of the principal building, whichever is greater.
 - D. Open Space Between Principal Buildings on a Single Lot – No vertical wall of a principal building shall be nearer to a vertical wall of any other principal building than thirty feet (30') or a distance equal to the average height of such vertical walls measured from adjoining finished grade, whichever is greater.

4. Maximum Height of Buildings –
 - A. Single-Family or Two-Family Dwelling - Thirty feet (30').
 - B. Other Principal Buildings - As regulated by side yard requirements.
 - C. Accessory Buildings - One-story not to exceed fifteen feet (15').
5. Conversion of Existing Buildings - Notwithstanding the open space requirements herein established for this district, existing buildings may be converted to any use permitted in this district provided that the lot area requirements are complied with and off-street parking spaces are made available in accordance with the provisions of Part 5.
6. Off-Street Parking Regulations - For applicable off-street parking regulations, see Part 5.
7. Supplemental Regulations Reference - For applicable supplemental regulations pertaining to use, height, area or open space, see Part 6.

PART 3
Commercial District Regulations

§300. Business and General Commercial District. Intended Purpose –

It is the purpose of this district to provide retail and service facilities which serve the primary and daily needs of the immediate surrounding neighborhoods and serve as the central retail marketing function of the entire Township and surrounding trade area. This district is designed to encourage development of intensive, cohesive areas offering a wide-range of shopping and service functions which can provide adequate comparison shopping activities catering to the free circulation of pedestrian activity having arrived by automobile.

1. Permitted Uses and Structures –

A. Principal Uses –

- (1) any principal use permitted and regulated in the R2 Residential Districts (see §202(1)(A); the reference to principal use here does not include R2 Residential Uses by Special Exception in §202(1)(C));
- (2) retail sales in a fully enclosed building.
 - (a) food market;
 - (b) drug stores;
 - (c) recreational marijuana dispensary;
 - (d) bakery;
 - (e) clothing;
 - (f) shoe store;
 - (g) restaurant, but not to include the "drive-in" type;
 - (h) jewelry store;
 - (i) gift shop, florist shop;
 - (j) book store, stationery store;
 - (k) radio, television, and music store;
 - (l) variety store;

- (m) dry goods and notions store;
 - (n) hardware store, sporting goods.
- (3) personal service shops which deal directly with consumers, offices and establishments, provided each such use occupies a total floor area of not more than four thousand (4,000) square feet.
- (a) barber and beauty shop;
 - (b) dry cleaning and laundry pick-up shops;
 - (c) tailors and dressmaker shops;
 - (d) self-service laundry;
 - (e) real estate and similar professional office;
 - (f) finance and loan agencies;
 - (g) medical and dental offices.
- (4) other uses which are similar to the above and subject to the following regulations:
- (a) all business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced;
 - (b) all businesses, servicing or processing, except for off-street parking and loading, shall be conducted completely within enclosed buildings.
- (5) the following uses when conducted entirely within an enclosed building:
- (a) dry cleaning and pressing establishments limited to two thousand (2,000) square feet of floor space per establishment, and provided that only solvents with a flash point of not less than one hundred thirty-eight and two tenths degrees Fahrenheit (138.2 °F .) shall be used, and total aggregate dry load of machines shall not exceed sixty (60) pounds;

- (b) business and professional offices not otherwise permitted in other districts;
 - (c) eating and drinking establishments provided that any entertainment shall be limited to television, radio or recorded music, and further provided that no sale of alcoholic beverages for consumption on the premises shall be permitted on any lot where a side line abuts any R District boundary;
 - (d) amusement enterprises including bowling alleys, pool or billiard establishments, "pinball" or "computer" game arcades.
- (6) gasoline service station, subject to §600(4) and §600(5) of Part 6 of this Ordinance, provided that:
- (a) all servicing or repairing of vehicles shall be conducted within a completely enclosed building, except fueling, adding motor lubricants, water or antifreeze, or making minor emergency repairs;
 - (b) there shall be no outdoor display of merchandise except for a supply of motor lubricants . All storage of merchandise and equipment (except fuel pumps or air lines) shall be in the principal building;
 - (c) no outside storage of vehicles shall be permitted for more than thirty-six (36) hours.
- (7) motor vehicles sales and service;
- (8) drive-in eating or drinking establishments, but not on a lot where a side lot line abuts a lot in an R District;
- (9) eating or drinking establishments, without limitations on entertainment or dancing if business does not abut any R District;
- (10) motel or hotel;
- (11) monument sales establishments, with incidental processing to order, but not including the shaping of headstones; provided, however, that all processing shall be conducted within a completely enclosed building;

- (12) hot dog stand;
- (13) custom shops, including but not limited to printing, electrical, heating, plumbing or wood working shops;
- (14) warehouse, but not including the storage of highly inflammable or explosive materials;
- (15) the following uses provided they are conducted with a completely enclosed building or within an area enclosed by a solid fence or wall:
 - (a) public garage, but not including auto wrecking or storage of motor vehicles not eligible for Pennsylvania Motor Vehicle Inspection;
 - (b) building materials supply, including incidental millwork;
 - (c) small animal hospital located at least one hundred feet (100') from any R District boundary veterinarian;
 - (d) machine or tool sales, rental or service;
 - (e) bottling of beverages from previously prepared ingredients.
- (16) car washes, subject to §600(5) of this Ordinance, provided that:
 - (a) no entrance drive thereto or existing drive therefrom shall be located within one hundred feet (100') of any street intersection; and
 - (b) at least ten (10) reservoir spaces for each washing lane shall be provided on the lot.
- (17) advertising sign or billboard, provided that such sign:
 - (a) shall not be located on any lot across the street from any R District; and
 - (b) shall not be nearer than one hundred feet (100') to a lot in any R District or to any street intersection, fifty feet (50') to any street line, or ten feet (10') to any other lot line and;
 - (c) may be illuminated by a non-flashing source of light directed away from adjoining property or streets.

B . Accessory Uses –

- (1) other customary accessory uses, including applicable accessory uses permitted and as regulated in R2.
- (2) other customary uses incidental to any of the above permitted uses; providing, however, that such uses shall not detract from the general intended purpose of the district.
- (3) shops for the manufacture or processing of articles incidental to the conduct of a retail business lawfully conducted on the premises, provided that:
 - (a) all such articles manufactured or processed are sold at retail on the premises;
 - (b) no more than four (4) persons are engaged in such manufacturing or processing at any one time and in any one establishment, and;
 - (c) such activity shall not produce offensive odors, noise, vibration, heat, glare or dust.
- (4) business signs as regulated in §600(3) of this Ordinance.
- (5) off-street parking (see Part 5 of this Ordinance for required spaces), off-street loading or unloading;

C . Uses by Special Exception –

- (1) uses which, in the opinion of the Zoning Hearing Board are of the same general character as those listed as permitted uses;
- (2) publicly owned buildings, public utility buildings and telephone exchange buildings, with service yards, but without storage facilities;
- (3) banks, including branch service with "drive-in" facilities, providing that at least five (5) reservoir spaces are provided on the lot for each drive-in teller's window, such reservoir space shall be exclusive of required parking spaces as regulated in Part 5 of this Ordinance.
- (4) shopping center as defined in Part 11 of this Ordinance;
- (5) commercial picnic grove;

- (6) drive-in theater;
- (7) golf driving range.

2. Required Lot Size for Dwellings and Buildings of Mixed Occupancy –

- A. Lot Area - Seven thousand (7,000) square feet per dwelling unit.
- B. Lot Width - Sixty feet (60').

3. Required Open Space –

- A. Front Yard - Twenty feet (20').

B. Side Yard –

- (1) dwellings - up to thirty feet (30') in height. Same as required in R2 District. (See §202(3)(B)).
- (2) other principal buildings - none required, except:
 - (a) where a side yard is provided it shall be no less than five feet (5') wide;
 - (b) where a side yard abuts a lot in an R District its width shall be not less than twenty feet (25') or a distance equal to the height of the principal building, whichever is greater;
 - (c) where a side yard is used for either vehicular ingress or egress, it shall be at least twelve feet (12') wide;
 - (d) where a side yard is used for vehicular ingress and egress, it shall not be less than twenty-five feet (25') wide.

C. Rear Yard -

- (1) dwellings - same as required in the R2 District (see §202(3)(C));
- (2) other principal buildings –
 - (a) minimum - ten feet (10');
 - (b) along a lot in an R District - twenty feet (20') or a distance equal to the height of such building, whichever is greater.

- D. Usable Open Space for Mixed Occupancy - In the case of a building having mixed occupancy, four hundred (400) square feet of open space for each dwelling unit contained in such building shall be provided on the lot exclusively for recreation and household service activities.

4. Maximum Height of Buildings –

- A. Single or Two Family Dwellings shall exceed two(2) stories or thirty feet (30')
- B. Other Principal Buildings - Forty feet (40').
- C. No accessory structure shall exceed one story or fifteen feet (15') in height, except as provided in §601 of this Ordinance.

5. Minimum Off-Street Parking, Loading and Unloading Regulations –

- A. Off-street parking shall be provided for in accordance with Part 5 of this Ordinance.
- B. Each business use shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area or fraction thereof in each building. Such space or spaces shall not be less than four hundred (400) square feet in area, with a dimension of ten by forty (10 x 40) feet per space, which shall be located exclusive of any public right-of-way.

6. Limitations on Signs –

Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises shall be permitted and further provided that all signs shall be maintained in accordance with §600(3) of this Ordinance.

7. General Requirements –

Where Commercial Districts abut any residential district, a landscaped strip of not less than ten feet (10') in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens or fences, shall not exceed five feet (5') in height, except on corner lots where a clear sight area defined in §602(5) of this Ordinance shall be maintained.

8. Supplemental Regulations Reference –

For applicable supplemental regulations pertaining to use, height, area or open space, see Part 6 of this Ordinance.

PART 4
Manufacturing District Regulations

§400. Manufacturing District. Intended Purpose –

It is the purpose of this section to encourage industrial development and provide for manufacturing and industrial uses. These Regulations are intended to minimize their incompatibility with other Township Districts and provide minimum requirements for the mutual protection of the industrial area. Industries and businesses which can meet the requirements imposed in this section shall be permitted to locate in districts adjacent to commercial and residential adjoining districts. These districts must be separated, by buffer strips of adequate landscaping and screening.

1. Permitted Uses and Structures –

A. Principal Uses –

- (1) the following uses when conducted within a completely enclosed building:
 - (a) any use permitted and as regulated in the Commercial District, provided, however, that a residential use which is prohibited in this District, except when situated on premises which abut, or are separated only by a street or alley from, other premises situated in an R District or already used for similar residential purposes, and further provided that any existing dwellings shall not be considered a nonconforming use;
 - (b) laboratory engaged in research, testing and experimental work, including any process normal to laboratory practice and technique, provided that all necessary safeguards are employed to prevent hazard or annoyance to the community;
 - (c) the manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials;
 - (d) contractors equipment or materials storage;
 - (e) public utilities storage or service facility;
 - (f) dairy;
 - (g) laundry;

- (h) machine shop;
 - (i) oil storage and sales yard;
 - (j) paper products manufacture;
 - (j) adult entertainment see §603 of this Ordinance.
- (2) lumber yard.
 - (3) the following uses are permitted without the requirement of being in a completely enclosed building:
 - (a) open storage, provided such business is conducted in an area enclosed by a well-maintained fence or wall at least six feet (6') in height;
 - (b) oil and gas refining, processing, storage and transmission;
 - (c) saw mill;
 - (d) warehouse, without restrictions on storage except as provided hereinafter;
 - (e) advertising signs as regulated in §300(1)(A)(18).
 - (f) recreational marijuana and dispensary.

B. Accessory Uses –

- (1) accessory uses permitted and as regulated in the Commercial District;
- (2) quarters for caretaker or watchman;
- (3) business signs as regulated in §600(3)of this Ordinance;
- (4) off-street parking (see Part 5 for required spaces), off-street loading or unloading;
- (5) other customary accessory uses.

C. Limitations on Permitted Uses in the this District –

No use of land, building or structure shall be permitted where operation of which normally results in any:

- (1) fire or explosive hazard ; or
- (2) dissemination of atmospheric pollutant, noise, vibration, glare or odor beyond the boundaries of the premises on which such is located.

D. Uses by Special Exception –

Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted uses.

2. Required Lot Size for Dwellings and Buildings of Mixed Occupancy –

- A. Lot Area - Seven thousand (7,000) square feet per dwelling unit.
- B. Lot Width - Sixty feet (60').

3. Required Open Space –

- A. Front Yard - Twenty-five feet (25') except that a building of mixed occupancy or a building used for nonresidential purposes shall have a front yard of not less than fifty feet (50') when opposite any R District or when used for off-street parking.
- B. Side Yards (two (2) required) –
 - (1) dwellings up to thirty feet (30') in height – the combined width of the side yards shall equal twenty-five percent (25%) of the width of the lot but need not exceed twenty-five feet (25'). No side yard shall be less than five feet (5');
 - (2) other principal buildings - each side yard shall be ten feet (10') in width except where a side lot line abuts a lot in an R District, the side yard shall be not less than fifty feet (50').
 - (3) corner lots shall be subject to §602(3)(B) of this Ordinance (side yard modification for corner lots).

C. Rear Yard -

- (1) dwellings - same as required in R2 (see §202(3)(C));
- (2) other principal buildings - ten feet (10'); except along a lot in an R District the rear yard shall be fifty feet (50').

- D. Usable Open Space for Mixed Occupancy - In the case of a building having mixed occupancy, four hundred (400) square feet of open space for each dwelling unit contained in such building shall be provided on the lot exclusively for recreation and household service activities.
4. Maximum Height of Building - Fifty feet (50').

PART 5
Off-Street Parking Regulation

§500. Required Off-Street Parking Spaces.

After the effective date of this Part, off-street parking spaces shall be provided as hereinafter specified at the time a building or structure is erected, or at the time a new use of open land is established. In the case of an enlargement of any existing building, structure or use after the effective date of this Part, off-street parking spaces shall be provided as hereinafter specified for the enlarged portion of such building, structure or use.

No existing off-street parking area shall be reduced in capacity so as to be less than required by this Ordinance or, if such parking capacity is already less than herein required, such parking area shall not be further reduced; provided, however, that a reduction in such existing parking area shall be allowed if equivalent parking space is provided for the use involved.

Use	Number of Parking Spaces Required
Dwelling Units	2 per dwelling unit
Office	1 per 300 gross square feet
Retail	1 per 200 gross square feet
Restaurant	1 per 100 gross square feet
Health Club	1 per 100 gross square feet
Warehouse	1 per 500 gross square feet
Assembly	1 per 300 gross square feet
Medical Office	1 per 200 gross square feet
Schools	1 per 3.5 seats in assembly rooms plus 1 per faculty member
Hotels/Motels	1 per guest room plus 1 per 500 square feet of common area
Industry	1 per 500 square feet

Mixed Uses –

Except as otherwise provided in §502, where any building or lot is occupied by two or more uses having different parking requirements, the parking requirement for each use shall be computed separately to determine the total off-street parking requirement.

§501. Units of Measurement.

1. Size of Parking Space – For the purpose of computing gross parking area for required off-street parking, three hundred fifty (350) square feet of unobstructed net standing maneuvering, or access area shall be considered one parking space. However, a lesser area may be considered as one space if the Zoning Officer certifies that the layout and design of the parking area are adequate to permit convenient access and maneuvering. In any event, the size of

a parking space shall be at least twenty feet (20') long and nine feet (9') wide exclusive of access or maneuvering area.

2. Gross Floor Area – Gross floor area shall include all areas of a building used or occupied by any traffic generator mentioned in §500; provided, however, that basement or cellar floor area not used for processing, servicing, or sales of goods or merchandise shall not be counted as gross floor area.

3. Seats – In places of assembly where bench-type seats are provided or where standing patrons are served at a counter or bar, each twenty (20) lineal inches of such seating or standing space shall be considered as 1 seat for the purpose of determining off-street parking requirements.

4. Employees - In any case where there is more than one work shift, the total number of employees used to compute off-street parking requirements shall include the maximum number of employees on one shift.

5. Practical Units - When application of the units of measurement to determine required off-street parking spaces results in a fractional parking space of one-half or more, one parking space shall be required.

§502. Modification of Required Off-Street Parking Spaces.

1. Accessory Uses –

- A. No off-street parking shall be required for uses accessory to any institutional use specified in §500(2), or for an accessory restaurant used primarily for students, patients, tenants, or employees occupying a principal building.
- B. In the case of accessory retail sales, services, restaurants, or swimming pools, the parking requirement for either the accessory use or the principal use, which requirement is less, shall be reduced by fifty percent (50%).

2. Joint Facilities –

- A. In the case of a church and school on the same lot, the lesser parking requirement shall be waived.
- B. Where places of assembly specified in §500(3) are located on the same lot with other uses, the Zoning Hearing Board may permit a reduction in the number of required off-street parking spaces for such places of assembly.

- C. Where public off-street parking facilities are available, other than off-street parking provided for a public building, the Zoning Hearing Board may permit a reduction in the number of required off-street parking spaces for uses located on any lot within six hundred feet (600') of such public parking facility.

§503. Site Requirement for Off-Street Parking Spaces.

1. The parking spaces required by this ordinance shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than five hundred (500) feet (152 m) radially from the subject lot within the same or less restrictive zoning district.

2. Setback for all Off-Street Parking Spaces –

A. In any R District –

- (1) enclosed off-street parking spaces shall be subject to the regulations for accessory buildings §602(7);
- (2) no open off-street parking space shall be permitted in a required front yard or exterior side yard;
- (3) no open off-street parking area for five (5) or more motor vehicles shall be located within five feet (5') of any side or rear lot line of an adjoining lot in any R District.

B. In any C or M District –

No open or enclosed off-street parking space shall be permitted within ten feet (10') of any street line or within ten feet (10') of any R District boundary.

3. Encroachment of Required Parking Spaces Prohibited – All areas counted as required off-street parking area shall be unobstructed and free of other uses except off-street loading or unloading.

4. Guarantee for Off-Site Parking Spaces – In any case where required off-street parking spaces are not provided on the same lot with the building or use they serve, such off-street parking spaces shall be subject to deed, lease or contract restrictions acceptable to the Township Solicitor binding the owner, his heirs or assigns to maintain the required number of spaces available throughout the life of such use.

5. Additional Requirements for All Open Off-Street Parking Spaces – All open off-street parking spaces shall be considered as automotive use areas and shall be subject to the requirements of §600(5) in addition to the provisions of this section.

PART 6
Supplemental Regulations

§600. Supplemental Use Regulations.

1. Uses Requiring Special Permits by the Zoning Hearing Board – See Part 9.
2. Temporary Structures of Uses – The following temporary structures shall be deemed to be permitted uses in all zoning districts:
 - A. Temporary structures or uses incidental to construction work, including a non-illuminated sign, not exceeding twelve (12) square feet in area, of any contractor, engineer or architect, shall be permitted for a period of time not to exceed one year, provided that any such structure shall be removed forthwith upon the completion or abandonment of the construction work. Any extension of said time limit shall require the approval of the Zoning Hearing Board.
 - B. The temporary use of a dwelling as a model home shall be permitted for a period of time not to exceed three (3) months.
 - C. Any temporary structure or use permitted in the Zoning Hearing Board as authorized in Part 9.
3. Signs and Commercial Signs - Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.
 - A. General Requirements – All signs and/or commercial signs, where permitted in this Ordinance, are subject to the following:
 - (1) no sign shall be erected, enlarged or relocated until a permit for so doing is issued by the Zoning Officer, except that no permit shall be required for identification signs as specified in this Ordinance;
 - (2) each application for a sign permit shall be accompanied by a minimum fee in accordance with the fee payment schedule maintained by the Township;
 - (3) maintenance – every sign shall be kept in a state of good repair from the standpoint of safety, fire protection and appearance. The Zoning Officer shall require such maintenance and, in the event of failure of a sign owner to

correct unsafe conditions or dilapidated appearance, the Zoning Officer will notify the sign owner, that if the unsafe condition or dilapidated appearance is not corrected within thirty (30) days, the Zoning Officer shall order the removal of the sign by the Township at the owner's expense. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name;

- (4) measurement of signs – the area of any sign shall be determined from its outside measurements, excluding as a part thereof the height and overall width of supports and supporting structures and any other portion or portions thereof beneath the normal area upon which an advertisement is posted or intended to be posted. Where a sign is so designed as to permit advertising copy on each side, back to back, only one (1) face shall be counted in determining area. Where a sign is designed in a “V,” each face shall be counted separately in determining area;
- (5) illumination of signs – construction and wiring of all electric signs shall comply with the requirements of the National Electrical Code, and operating permits will not be issued therefor until the label of the Underwriters Laboratories has been affixed. No sign shall be so illuminated as to permit spot or flood lights to shine into or have a binding effect upon vehicular traffic. No sign shall be so illuminated as to constitute a nuisance by spilling light into any adjacent residential property;
- (6) no sign shall contain moving parts or use flashing or intermittent illumination. The source of light shall be steady and stationary;
- (7) no sign shall be higher than thirty-five feet (35') from the ground to the highest part of the sign;
- (8) no sign shall be so erected as to obstruct entrance to or exit from a required door, window, fire escape or other required exit way;
- (9) temporary signs not exceeding sixteen (16) square feet in area of painters, mechanics, contractors and the like are permissible in all districts, provided such signs are removed as soon as work is completed on the premises;

(10) temporary signs and banners of a non-commercial nature across rights-of-way are permitted as a conditional use provided approval is obtained from the Township Supervisors, and is erected in a location where it will not cause a traffic hazard, it meets safety standards and is maintained, and it is removed when its temporary use is completed.

B. Signs in Residential Districts – The following types of signs may be permitted in residential districts unless otherwise provided.

(1) one (1) name plate and one (1) house number sign for each dwelling unit, professional office or home occupation, provided it does not exceed one (1) square foot and identifies only the name and title of the occupant. It shall not extend beyond a vertical plane two feet (2') inside the lot from the street line. If lighted, it will be illuminated without objectionable glare. No displays or change in façade shall indicate from the exterior that a building is being used in whole or in part for any purpose other than that of a dwelling;

(2) real estate sign, provided it is unlighted, is not closer to a right-of-way than one-half the depth of the existing front yard, does not exceed six (6) square feet in area and pertains either to the lease, rental or sale of the premises on which it is maintained;

(3) one (1) institutional sign, provided it does not exceed sixteen feet (16') in area and is not closer to a right-of-way than one-half the depth of the existing front yard. If lighted, it will be illuminated without objectionable glare.

C. Signs in Commercial Districts – The following types of signs may be permitted in Commercial Districts unless otherwise provided.

(1) one (1) wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than twelve inches (12") therefrom, is not less than ten feet (10') above the sidewalk and occupies not more than twenty percent (20%) of the total area of the front of the principal building. It shall not project more than three feet (3') above the roof line or parapet wall;

- (2) one (1) projecting sign, provided it shall not project beyond a vertical plane two feet (2') inside the lot from the street line;
- (3) one (1) freestanding sign not to exceed eighty (80) square feet in area. It shall not extend beyond a vertical plane two feet (2') inside the lot from the street line and shall not exceed a height of thirty-five feet (35');
- (4) identification signs, provided they are separate and not attached to any building; a maximum of two (2) such signs for any one general area. The height of signs shall be a maximum of thirty-five feet (35') measured from the ground, and the maximum size of the sign portion itself shall not exceed one hundred (100) square feet.

D. Commercial Sign Structures – Commercial sign structures (billboards, sign boards, outdoor advertising signs) may be erected where permitted as a special exception use, providing that such commercial sign structures do not exceed three hundred (300) square feet in surface area and are spaced at intervals of not less than one thousand feet (1,000') along the same side of any street or highway. No commercial sign structure shall be located within one hundred feet (100') of any street intersection.

E. Prohibited Signs – No sign shall be erected, relocated or enlarged which, in the opinion of the Zoning Officer, shall:

- (1) create a traffic hazard as a result of screening traffic signals or signs or which may cause confusion by utilizing red, green or amber lights or reflectorized material which creates a flashing action and is so located as to resemble or render ineffective any traffic sign or signal which uses the words “Stop,” “Slow,” or “Danger,” or any other official traffic device;
- (2) be painted, pasted or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb, or street except when authorized by and under a permit from an authorized public agency or required by law.

4. Limitations on Gasoline Service Stations and Public Garages –

A. No part of any building used as a gasoline service station or public garage and no filling pump, lift or other service appliance shall be erected within twenty-five feet (25') of any R District boundary.

- B. No gasoline or oil pump, no oiling or greasing mechanism and in other service appliance shall be installed in connection with any gasoline service station or public garage within twenty feet (20') of any street line.
 - C. Two reservoir spaces for each gasoline pump shall be provided on the lot for waiting vehicles. Such reservoir space shall not include space at the pump or required parking space.
 - D. There shall be no use of the lot except for landscaping or screening within twenty feet (20') of any R District boundary.
 - E. All portions of the lot not enclosed in a building and used for a reservoir space or for storage, parking or servicing of a motor vehicle shall be subject to the provision of subsection (5) of this section.
5. Limitations on Automotive Use Areas – Any portion of a lot used for open off-street parking or reservoir space, or for open sales, service or storage areas for motor vehicles, contractors equipment, or boats shall be deemed to be an automotive use area. New automotive use areas or enlargements of existing automotive use areas shall be subject to the following requirements:
- A. Surfacing – Every automotive use area and access driveway thereto shall be surfaced with a durable and dustless material and shall be so graded and drained so as to dispose of surface water accumulation.
 - B. Lighting – Any fixture used to illuminate any automotive use area shall be so arranged as to direct the light away from the street and away from adjoining premises in any R District.
 - C. Screening – Every automotive use area except off-street parking areas for less than five (5) vehicles, shall be screened from any adjoining lot if under separate ownership in any R District, including lots situated across the street, as follows:
 - (1) along a street line, by a planting strip of five feet (5') wide; provided, however, that no shrub planting or tree foliage shall be placed or maintained which obstructs vision at an elevation between three feet (3') and seven feet (7') above the street level. Such screening may be interrupted by normal entrances and exits;

(2) along a rear lot line or an interior side lot line which abuts an existing or future rear yard or side yard on such adjoining lots, by a compact evergreen hedge which will reach the height of five feet (5') within three (3) years, or by a solid fence or any unpierced masonry wall five feet (5') in height. Such screening shall be maintained in good condition at all times.

D. Access – No entrance or exit to any automotive use area shall be permitted within thirty feet (30') of any intersecting street lines and except for off-street parking areas for use permitted in any R District requiring less than ten (10) parking spaces, no entrance or exit shall be permitted within ten feet (10') of a lot in any R District.

Access to automotive areas, except for off-street parking areas in R Districts for less than ten (10) vehicles, shall be approved by the Building Inspector and shall be so arranged that vehicles shall not back into a street.

E. Restriction on Use – No automotive use area shall be used for auto wrecking or for the storage of wrecked, partially dismantled or junked vehicles or equipment, or motor vehicles which do not qualify for Pennsylvania motor vehicle registration.

6. Lots Divided by District Boundaries – Where a lot is divided by any zoning district boundary so as to be in more than one zoning district and where such lot was an existing lot when such district boundary was established, a conforming use, occupying fifty percent (50%) or more of the area of said lot and having street frontage in the district where permitted, may be extended on such lot not more than twenty-five feet (25') (measured perpendicular to the district boundary) into any district where such use is not permitted, but no open space requirement shall be diminished by reason thereof.

7. Lot Frontage on Street for Dwelling – No dwelling shall be erected on any lot which lot does not have immediate frontage on a street as defined in this Part, and except for permitted accessory dwellings or dwelling groups, there shall be no more than one such building on a lot.

8. Mobile Homes and Mobile Home Parks –

A. Regulations for individual mobile homes on subdivided lots under separate ownership in Districts where permitted:

- (1) a mobile home used as a dwelling is required to be on rigid supports (blocks) with the wheels removed, and is required to have an opaque material (skirting) extending from the lower edge of the exterior of the mobile home to the ground around the circumference of the outside of the mobile home;
- (2) a planted visual barrier, or landscaped screen that covers the skirting year round may be provided and maintained by the owner along the exterior of the mobile home which faces the public right-of-way providing access to the lot. The adequacy of this screen shall be determined by the Zoning Officer.

B. Regulations for Mobile Home Parks –

- (1) special definitions –
 - (a) “licensee” means any person licensed to operate and maintain a mobile home park under the provisions of this Part;
 - (b) “park” means mobile home park.
- (2) license – it shall be unlawful for any person to maintain or operate a mobile home park within the limits of the municipality, unless such person shall first obtain a license;
- (3) license fees –
 - (a) the annual license fee for each mobile home park shall be one hundred dollars (\$100.00);
 - (b) the fee for transfer of a license shall be five dollars (\$5.00).
- (4) application for license – application for an initial mobile home park license shall be filed with and issued by the Board of Supervisors. The application shall be in writing, signed by the applicant, and shall include the following:
 - (a) the name and address of the applicant;
 - (b) the location and legal description of the mobile home park;

- (c) a complete plan of the park in conformity with the requirements of this Ordinance;
 - (d) plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park;
 - (e) such further information as may be required by the Board of Supervisors to enable it to determine if the proposed park will comply with legal requirements.
- (5) location – each mobile home in the park must be at least one hundred feet (100') from any permanent residential buildings located outside the park;
- (6) mobile home park plan – the mobile home park shall conform to the following requirements:
- (a) the park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;
 - (b) the maximum number of mobile dwelling units permitted per gross acre in a mobile home park shall be seven (7);
 - (c) no mobile home shall be located closer than twenty feet (20') from any building within the park, or from any other mobile dwelling unit, and no closer than forty feet (40') from any property line bounding the park;
 - (d) no more than five (5) adjacent mobile home spaces shall be located so that they are parallel to each other;
 - (e) all mobile home spaces shall abut a driveway of not less than twenty feet (20') in width, which shall have unobstructed access to a public street, alley or highway;
 - (f) no more than one access road shall be constructed to serve as an entrance or exit to any single street location outside of the site;

- (g) each mobile home space shall have at least one paved automobile parking space on the site;
 - (h) walkways not less than two feet (2') wide shall be provided from the mobile home spaces to the services building;
 - (i) all driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than twenty-five (25) watts each, spaced at intervals of not more than one hundred feet (100');
 - (j) each park shall provide service buildings to house laundry facilities, as hereinafter described;
 - (k) a recreational area equal to at least four hundred (400) square feet for each mobile home space (or a series of smaller recreation areas the sum of which is equal to at least four hundred (400) square feet for each mobile home space) shall be improved according to a recreation plan filed with the Planning Commission;
 - (l) all mobile home parks shall be a minimum of ten (10) acres in area;
 - (m) there shall be a green belt planting strip not less than twenty feet (20') in width in addition to yard areas located along all lot lines of the park. The green belt shall be composed of one row of deciduous and/or evergreen trees spaced not more than ten feet (10') apart, planted at an initial height of not less than five feet (5') and two rows of shrubs spaced not more than five feet (5') apart planted at an initial height of not less than two feet (2'). Planting in the tree rows shall be staggered to produce a more effective screen;
 - (n) the maximum paved area of streets shall not exceed fifteen percent (15%) of the mobile home park area;
- (7) utilities –
- (a) a mobile home court shall be provided with the following utilities:

- 1) water supply system;
 - 2) sewage disposal system;
 - 3) electrical system.
- (b) utilities including gas piping system where provided, shall have sufficient capacity to supply the requirement of the mobile home court and for the maximum number of connected mobile homes.
- (8) refuse disposal –
- (a) garbage containers with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than three hundred feet (300') from any mobile home space. The containers shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of once a week to insure that the garbage containers shall not overflow.
- (9) service buildings –
- (a) service buildings housing laundry facilities, indoor recreation, or any of such facilities, shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems;
 - (b) the service buildings shall be well lighted when in use, and shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted wood work, as shall permit repeated cleaning and washing, and shall be capable of being maintained at a temperature of at least sixty-eight degrees Fahrenheit (68° F) during the period from October 1 to March 1. The floors of the service buildings shall be of water impervious material;
 - (c) all service buildings and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the

health of any occupant or the public or constitute a nuisance.

- (10) mobile home spaces –
 - (a) mobile home spaces –
 - 1) a mobile home space shall contain a mobile home stand capable of retaining the mobile home in a fixed position;
 - 2) mobile home stands shall be adequately compacted and at such elevation, distance, and angle, in relation to the access way, as to facilitate the safe and efficient placement and removal of the mobile home.
 - (b) accessory structures – accessory structures, if provided, shall be of durable construction and appropriate for intended use and location;
 - (c) patios – patios, if provided, shall be located so as to provide safe and easy access from the mobile home;
 - (d) storage lockers – storage lockers, if provided, shall be designed to provide adequate storage facilities convenient to the mobile home.
- (11) property maintenance –
 - (a) general – a mobile home park shall be maintained in a safe, sanitary and orderly condition;
 - (b) premises shall be kept clean and free of physical hazards;
 - (c) infestation – grounds and structures shall be maintained free of insect, vermin, and rodent harborage and infestation. Methods used for purposes of extermination shall conform with generally accepted practice.
- (12) fire protection – every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park to satisfy applicable and reasonable regulations of the

fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time;

- (13) register of occupants –
- (a) it shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 - 1) the name and address of each mobile home occupant;
 - 2) the name and address of the owner of each mobile home;
 - 3) the make, model, year and serial number of each mobile home;
 - 4) the date of arrival and of departure of each mobile home;
 - 5) whether or not each mobile home is a dependent or independent mobile home.
 - (b) the park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
- (14) revocation of license – the Township Supervisors may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Ordinance. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law;
- (15) posting of license and temporary permit – the license certificate or temporary permit shall be conspicuously

posted in the office of or on the premises of the mobile park at all times;

- (16) penalty – any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500.00). In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid over to the Township.

9. Screening –

- A. A planted visual barrier, or landscaped screen, shall be provided and maintained by the owner or lessee of a property between any district and contiguous residentially zoned districts, except where natural or physical man-made barriers exist. The planting must be maintained to a minimum height of six (6) feet. The planting shall be sufficiently dense and comprised of a mix of understory vegetation and canopy trees to provide a year-round visual screen. All plants not surviving one (1) year after planting must be replaced. The screen shall be developed in a manner approved by the Zoning Officer.
- B. All visual barriers, or landscape screens, shall be in accordance with the following minimum widths. Such areas shall not be counted as part of the required open space or yard areas.
- (1) in all Commercial Districts – ten feet (10') .
- C. Any existing business affected by these regulations at the time of passage of this Part, shall not be required to comply with the above screening requirements, except in case of enlargement or major alteration of such business. Similarly, for any zoning district boundary change after the passage of this Part initiated by a residential developer abutting a Commercial District property for which these regulations apply, these screening requirements shall not be imposed upon such Commercial property.

10. Fences –

- A. No fence shall be erected or constructed without the issuance of a permit in accordance with the provisions of this Ordinance. All applications for a permit to construct or erect a fence shall be accompanied by duplicate sketches or designs of the proposed fence, including a description of materials to be used and specification of height, and the location plot plan.
- B. Any fence erected or constructed shall include a maintenance area of three (3) feet from the property line to ensure that the fence is erected or constructed entirely within the owner's property line and that there is no encroachment onto the property of another for removal, repair or maintenance of the fence.
- C. Stockade-type fences erected or constructed shall be constructed so that the fence is slightly in appearance on both sides so as not to detract from the landscape and appearance of the property.
- D. No fence shall be erected, installed, constructed or maintained which obscure clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.
- E. The regulation as to the height of the fence to be constructed or erected under this Section shall be at the discretion of the Zoning Officer.
- F. Fences must create a complete visual screen for at least six (6) feet in height. Acceptable materials are cedar, masonry, redwood, chain link, chain link with slats, and pressure treated lumber resistant to rot. Fence installation should be consistent with acceptable building practices.
- G. Landscaping along a fence in a commercial or industrial zoned district is required to obscure its view from contiguous residentially zoned districts. The landscaping shall be developed in a manner approved by the Zoning Officer.

11. Lighting –

A pole light may not be higher than thirty-five (35) feet in Commercial Districts and eight (8) feet in a residential area. In Commercial Districts, all light sources higher than fifteen (15) feet, which are adjacent to or affect a residential area, must be fitted with a full cutoff shield. All flashing lights are prohibited.

§601. Supplemental Height Regulations. The height limitations of this Ordinance shall not apply to:

1. Chimneys, flues, spires or belfries.
2. Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures); provided that such structures in the aggregate, do not occupy more than ten percent (10%) of the roof area.
3. Flag poles, radio or television antenna, masts or aerials, located on a building or extending not more than twenty feet (20') above the roof of such building.
4. Collectors for a solar energy system.
5. Windmills used for converting wind energy to electrical or mechanical energy for use on the premises.

§602. Supplemental Lot Size and Open Space Regulations.

1. Lot Size and Open Area Exceptions –
 - A. Exceptions for Existing Small Lots – the lot width or area requirements of this Part shall be automatically waived to permit the erection of a single-family dwelling or the restoration, enlargement (but not including additional dwelling units), moving, repair or alteration of an existing single-family dwelling on any lot of record which was owned separately and individually from all other tracts of land on the effective date of this Part or on the effective date of any subsequent amendment increasing the lot size requirements of such lot, provided that:
 - (1) such use is permitted in the district where such lot is located; and
 - (2) all other regulations prescribed in this Part shall apply thereto; except that no side yard shall be less than five feet (5').
 - B. Exception for Original Design in New Residential Development – In accordance with the requirements and procedures set forth in Part 9 hereof, the Zoning Hearing Board may modify the lot size and open space regulations of land platted for a proposed subdivision, provided that:

- (1) such proposed subdivision has been approved by the Township Planning Commission and any other board, commission, bureau or department having authority over same or any part thereof;
- (2) the entire tract of land in the proposed subdivision contains three (3) or more acres;
- (3) a building plan is submitted with the application to the Zoning Hearing Board showing lots where dwelling groups or apartment houses are proposed to be built, the maximum density of population that may exist thereon, minimum yard requirements, and proposed screening; walls or planting;
- (4) for such land there shall not be a greater average density of population or cover of land with buildings than is permitted in the district wherein such land lies, as shown on the official zoning map;
- (5) findings are made in accordance with Part 9;
- (6) an affirmative vote of all members of the Zoning Hearing Board approve such proposed subdivision.

2. Front Yard Modification – Where there are principal buildings on adjoining lots on each side of a parcel of land less than one hundred feet (100') in width having a front yard setback or exterior side yard setback less than the required front yard depth for the zoning district in which said parcel is located, the required front yard depth of said parcel shall equal the average setback from the street line of such existing building or said adjoining lots. This modification shall not permit a front yard depth of less than fifteen feet (15') in any R District unless unusual topography would require a grade of in excess of twelve percent (12%) for the approach drive to an off-street parking facility. In which case, the depth may be modified to permit a grade of twelve percent (12%) or less.

3. Side Yard Modification for Corner Lots –

A. Side Yard Modification for Corner Lots in R District –

- (1) on a corner lot where the rear lot line coincides with the rear lot line of the adjoining lot for a distance from the street line, the required width of the exterior side yard for any building shall equal ten percent (10%) of the lot width, but need not be more than ten feet (10');

- (2) on a corner lot where the rear lot line coincides with a side lot line of the adjoining lot for a distance from a street line:
 - (a) the required width of the exterior side yard for buildings up to thirty feet (30') in height shall equal thirty percent (30%) of the lot width, but need not exceed thirty feet (30') and shall not be less than eighteen feet (18');
 - (b) the required width of the exterior side yard buildings over thirty feet (30') in height shall equal the required front yard depth of said adjoining lot, but need not exceed thirty feet (30').

B. Side Yard Modification for Corner Lots in C or M Districts –

- (1) on a corner lot where the rear lot line coincides with the rear lot line of the adjoining lot for a distance from the street line, the required width of the exterior side yard of said corner lot shall be not less than thirty feet (30') when the exterior side yard is opposite a lot in any R District, or not less than ten feet (10') in any other case;
- (2) on a corner lot where the rear lot line coincides with a side lot line of an adjoining lot, the width of the exterior side yard of said corner lot shall be not less than the depth of the required front yard of said adjoining lot.

C. Side Yard Modification for Corner Lots by Zoning Hearing Board
- The regulations of this section may be varied by the Zoning Hearing Board as provided in Part 9.

4. Rear Yard Modification for Through Lots - On a through lot, where the rear lot line coincides with a street line, a front yard equivalent shall be provided. The rear yard depth requirements in the district regulations shall not apply on that portion of a through lot where a front yard equivalent is required.
5. Visibility at Intersections – In any district where a front yard of twenty-five feet (25') or more is required by this Part, no sign, fence, wall, hedge, shrub planting or tree foliage which obstructs vision at elevations between three feet (3') and seven feet (7') above the street level shall be placed or maintained within the triangular area formed by two intersecting street lines and a line connecting points on such street lines thirty feet (30') distance from their point of intersection. This regulation shall not apply to

any necessary retaining wall or to buildings existing on the effective date of this Part.

6. Permitted Obstructions in Required Open Space – Except for the purpose of subsection 5 of this section, none of the following uses, structures, or parts of structures shall be considered as obstructions when located, as specified:

A. In any required open space –

- (1) access drives or walks;
- (2) fence or wall not exceeding three and one-half feet (3 ½') in height (except as otherwise required for screening);
- (3) flag poles not exceeding twenty feet (20') in height;
- (4) retaining walls of any necessary height;
- (5) permitted signs;
- (6) terraces not extending more than one foot (1') above the adjoining finishing grade;
- (7) projections from a principal building as follows, provided that no projection is nearer than five feet (5') to a side lot line.
 - (a) awnings or canopies;
 - (b) chimneys or roofs projecting not more than two feet (2') into a required open space;
 - (c) window sills and architectural features projecting not more than four inches (4") into a required open space;
 - (d) unenclosed steps not extending above the first floor level.
- (8) in any C or M District, gasoline pumps or open accessory off-street parking spaces.

- B. In any Required Interior Side Yard –
- (1) a one-story garage not more than twelve feet (12') in height attached to a dwelling and projecting not more than three feet (3') into a required interior side yard; provided that such garage shall not be nearer any side lot line than a distance equal to one-half the height of said garage or five feet (5'), whichever is greater;
 - (2) open fire escape projecting not more than four feet (4') into a required interior side yard, but not nearer any side lot line than five feet (5').
- C. In any Rear Yard, not a Front Yard Equivalent, or in any Part of an Interior Side Yard Which Exceeds a Required Side Yard:
- (1) fence or wall not to exceed six feet (6') in height, or eight feet (8') in height when approved by the Zoning Hearing Board (except as required for screening);
 - (2) any accessory use or structure permitted in the district regulations subject to subsection (7) of this section (Limitations on Obstructions in Open Spaces);
 - (3) projections – balconies, bay windows, non-weatherproofed porches or breezeways, or attached garages, not exceeding fifteen feet (15') in height, may extend into a required rear yard for a distance not to exceed one-third the required depth of such yard;
 - (4) flag poles or accessory radio or television antennae of any height, provided that such structure shall be set back from any property line a distance equal to its height.

7. Limitations on obstructions in Required Open Space –

- A. No storage or processing of any kind shall be permitted in any required yard in any C or M District. This provision shall not apply to uses accessory to a permitted dwelling, but such accessory uses shall be subject to the following limitations on obstructions in required open spaces in R Districts.
- B. In any R District accessory buildings and roofed projections shall not occupy more than thirty percent (30%) of a required rear yard of an interior lot or more than forty percent (40%) of a required rear yard of a corner lot.

- C. In any R District, no part of an accessory building shall be nearer than three feet (3') to a rear or side lot line, except that where such lot line abuts a side yard or an adjoining lot in any R District, the setback shall not be less than a distance equal to one-half the height of the accessory building or five feet (5'), whichever is greater.
 - D. In any R District, detached accessory building shall be at least ten feet (10') from any dwelling and five feet (5') from any other building.
8. District in Which Abutting Lot Lies – For the purpose of determining side or rear yard requirements an abutting lot shall be deemed to be in the zoning district which contains the largest portion of its area having street frontage.

§603. Adult-Oriented Use.

1. Definitions.

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

B. Specific Definitions.

ADULT-ORIENTED USE – any adult bookstore, adult cabaret, or adult mini-motion picture theater or adult theater, as defined herein and which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors.

(a) ADULT BOOK STORE – an establishment, having as a substantial or significant portion of its stock in trade, books, magazines, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

(b) ADULT CABARET – a cabaret, tavern, theater, or club which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers who exhibit,

display, or engage in nudity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code and/or exhibiting specified anatomical areas or performing specified sexual activities.

- (c) **ADULT ENTERTAINMENT HOUSE** – an establishment used for presenting live performances or motion pictures, films, movies, slides, or similar photographic reproductions for observation by persons therein, and which excludes minors by virtue of age. Adult entertainment house shall also include an adult cabaret/bottle club which features topless dancers, go-go dancers, exotic dancers, strippers or similar entertainers exhibiting less than completely and opaquely covered human genitals and pubic regions, buttocks, female breasts below a point immediately above the top of the areola and exhibiting human male genitals in a discernibly tanged state, although completely and opaquely covered and which features topless dancers, go-go dancers, exotic dancers, strippers or similar entertainers displaying female breasts, pubic regions, buttocks or human genitals (in a possible state of sexual arousal).
- (d) **ADULT MINI-MOTION PICTURE THEATER** – any business, indoor or outdoor, which exhibits a motion picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code, and/or exhibits specified anatomical areas or performing specified sexual activities.
- (e) **ADULT THEATER** – any business, indoor or outdoor, which exhibits a motion picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code, and/or exhibits specified anatomical areas or performed specified sexual activities.
- (f) **MASSAGE ESTABLISHMENT** – any establishment or business which provides the services of massage and body manipulation,

including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State, or any other health care professional or any massage therapist who has been trained and certified to provide legitimate therapeutic massages. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

ANATOMICAL AREA, SPECIFIED –

- (a) Less than completely or opaquely covered.
 - 1) Human genitals, pubic region.
 - 2) Buttocks.
 - 3) Female breasts below a point immediately above the top of the areola.
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

OBSCENITY CODE, PENNSYLVANIA - §5903, Title 18, Pennsylvania Consolidated Statutes, as amended.

SEXUAL ACTIVITIES, SPECIFIED –

- (a) Acts of masturbation, homosexuality, sexual intercourse, sodomy, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such a person be a female, breasts.
- (b) The condition of human or female genitals when in a state of sexual stimulation or arousal.
- (c) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre

costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

- (d) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

As used in this Part, the masculine shall include the feminine and neuter.

2. Application. The following uses are designated as regulated uses:

- A. Adult book stores.
- B. Adult mini-motion picture theater.
- C. Adult cabaret.
- D. Adult theater.
- E. Adult entertainment house.
- F. Massage establishment.

3. Prohibited Conduct. No regulated use shall be permitted:

- A. Within any zoning district of the Township of Foster, except an M District.
- B. Within one thousand (1,000) feet of any other existing regulated use.
- C. Within five hundred (500) feet of any residence or residential district of the Township of Foster, or within one thousand (1,000) feet of any of the following residentially related uses:
 - (1) Churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores.
 - (2) Schools, up to and including the twelfth (12th) grade, and their adjunct play area.
 - (3) Public playgrounds, public swimming pools, public parks and public libraries.

D. For the purposes of this Section, spacing distances shall be measured as follows:

- (1) From all property lines of any “regulated use” in subsections (A) through (F) above.
- (2) From the outward line of boundary of all districts other than M-2.
- (3) From all property lines of any residence or residential district or residentially-related use in subsection (c)(1) through (3) above.

4. Signs or Other Visible Messages. All regulated uses shall be permitted signs and visible messages based on the allowable sign area of the zoning district in which they are located; provided:

(A) Signs.

- (1) Sign messages shall be limited to verbal description of material or services available on the premises.
- (2) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.

(B) Other Visible Messages. Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films or printed materials available on the premises; or pictures, films or live presentation of persons performing or services offered on the premises.

5. Discontinuance of Operation. Should any of the regulated uses listed in this §603 cease or discontinue operation for a period of ninety (90) or more consecutive days, it may not resume or be replaced by any other “regulated use” unless it complies with all the requirements set forth in this Part.

6. Injunction. The Solicitor of Foster Township may institute proceedings in equity in the Court of Common Pleas of McKean County for the purpose of enjoining any violation or potential violation of this Part.

PART 7
Nonconforming Use Regulations

§700. Nonconforming as to Use Regulations.

1. Continuation of Use – Any use which is made nonconforming by any use regulation of this Ordinance or by any subsequent amendments thereto, may be continued, except as hereinafter provided.

2. Change in Use – Such nonconforming use may be changed to use as permitted in the same district as the nonconforming use; provided, however, that no nonconforming residential dwelling or dwelling unit situated in an M District shall be altered, enlarged or changed in such a manner as to create additional nonconforming dwelling units. Once a nonconforming use is changed to a use first permitted in a more restrictive district, such use shall thereafter not revert to a use first permitted in a less restricted district.

3. Enlargement or Extension – Such nonconforming use shall not be enlarged or extended, except that in any C or M District, any nonconforming building may be enlarged to an extent not exceeding twenty-five percent (25%), in the aggregate, of the gross floor area devoted to such non-conforming use. In no case shall such enlargement extend beyond the lot occupied by such nonconforming use nor violate any height, yard, parking area or other open space requirement of this Ordinance. When the total of all enlargements equals twenty-five percent (25%) of the gross floor area existing at the time such use became a nonconforming use, no further enlargements shall be permitted.

4. Repair or Alteration –

A. Nothing herein shall be deemed to prevent normal maintenance of a building or other structure containing a nonconforming use, including non- structural repairs and incidental alterations not extended to nonconforming use.

B. No structural alterations shall be made in a building or other structure containing a nonconforming use;

(1) when required by law;

(2) to restore to a safe condition any building or structure declared unsafe by the Building Inspector;

(3) to accomplish permitted enlargements;

(4) to accomplish a change to a conforming use or to a more restricted use.

5. Restoration - Such nonconforming building or other structure which has been damaged or destroyed by any means to the extent of fifty percent (50%) or more of its market value, as determined by a Township Assessor, or which has been condemned by the Building Inspector and ordered to be demolished, shall not be rebuilt or repaired except in conformance with the regulation of this Ordinance. In the case of a permitted restoration of a nonconforming use, neither the floor area nor the cubical content shall be increased from the original nonconforming building or other structure.
6. Discontinuance – In any district, whenever a nonconforming use of land, building or other structure, or any part or portion thereof, has been discontinued for a period of one year, such nonconforming use shall not thereafter be re-established, and all future use shall be in conformity with the provisions of this Part. Such discontinuance of the active and continuous operation of such nonconforming use, or a part or portion thereof, for such period of one year, is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, other structures, machinery, equipment or other evidences of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed at the time of such abandonment and all rights to re-establish or continue such nonconforming use shall thereupon terminate.
7. Cessation – The following nonconforming uses may be continued for a period of six (6) months, provided that after the expiration of such period, any such nonconforming use shall become an unlawful use and shall be terminated.
 - A. In any R District any nonconforming use not in an enclosed building, including, but not limited to, junk business, auto wrecking and dismantling, and the storage of motor vehicles which do not qualify for Pennsylvania Motor Vehicle Inspection.
 - B. In an R District, the parking or storage of equipment or commercial vehicles exceeding three-quarter ton rated capacity.
 - C. In an R District, a nonconforming sign, or a nonconforming building or other structure with an assessed value under five hundred dollars (\$500.00).

§701. Nonconforming as to Lot Size, Open Space, Height or Building Size Regulations.

1. Continuation - Any building, other structure or use of land which is made nonconforming by any lot size, open space, height or building size regulation of this Ordinance, or by any subsequent amendments thereto, may be continued, except as hereinafter provided.
2. Enlargement or Extension – Such nonconforming building, other structure or use of land may be enlarged or extended, provided that any such enlargement or extension shall comply with the regulation of this Ordinance.
3. Repair or Alteration – Such nonconforming building or other structure may be repaired or structurally altered, provided that alterations creating enlargements or extensions shall conform to the regulations of this Ordinance.
4. Restoration – Such nonconforming building or other structure which has been damaged or destroyed by any means to the extent of seventy-five percent (75%) or more of its market value as determined by the Township Assessor, or which has been condemned by the Building Inspector and ordered to be demolished, shall not be rebuilt or repaired except in conformance with regulations of this Ordinance. In the case of a permitted restoration of any such nonconforming use, the degree of nonconformance of the original building or other structure shall not be increased.

§702. Nonconforming Lots.

1. Lots of Contiguous Ownership and Subdivision – In case of a lot with a building on it at the date of adoption of this Code, but with an area of width less than that prescribed above for the district in which it is located, such building may be altered or a new building erected thereon provided it complies with all other provisions of this Ordinance. In case of a lot unimproved at the date of adoption of this Ordinance and not adjoining either another unimproved lot or an improved lot owned or controlled by the owner of the lot in question, a building may be erected thereon if the area or width of the lot in question is at least fifty percent (50%) of that prescribed for the district in which it is located, provided that the building complies with all other provisions of this Ordinance. If, however, any lot unimproved at the date of adoption of this Part was shown on a subdivision plot approved by the Planning Commission prior to the date of adoption of this Part, a building may be erected thereon irrespective of the lot area or width, provided said building complies with all other provisions of this Ordinance.
2. Lots of Separate Ownership and Subdivision – With respect to lots which first became separately owned by adjoining land or lots being part of land subdivision established after this Ordinance became applicable

thereto, any lot located in any residential district which, at the time the lot first became separately owned from adjoining land, conformed to the then applicable requirements of this Part, and any lot being part of land subdivision located in any residential district which lot at the time of establishment of such subdivision conformed to the then applicable requirements of this Part, may be improved and used in accordance with the requirements of this Part applicable at the time of separation of such lot or establishment of such subdivision. Proof of time of establishment of a land subdivision and of prior existing subdivision shall be made by the applicant.

§703. Fragmented Parcels. In the case of two (2) or more contiguous parcels of land in the same district under this Ordinance separately owned, where subdivision of and subsequent transfer of such a parcel would not conform to the size provisions under this Ordinance, the Zoning Officer shall have the discretion to approve any such transfer in accordance with requirements and procedures of this Township including, without limitation, subdivision regulations.

PART 8
Administration, Enforcement and Violations

§800. Administration and Enforcement.

1. Administration – The duty of administering and enforcing the provisions of this Ordinance is hereby conferred-upon the Zoning Officer, who shall have such powers as are conferred on him in accordance with its literal terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

2. Duties – The duties of the Zoning Officer shall be:

- A. To examine all applications for permits.
- B. To issue permits only for construction and uses which are in accordance with the regulations of this Ordinance and other applicable ordinances as may be subsequently amended.
- C. To record and file all applications for permits with the accompanying plans.
- D. To issue permits for uses by special exception only after such uses and buildings are approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
- E. To receive all required fees and issue all necessary stop orders.
- F. To inspect nonconforming uses, buildings and signs, and to keep a filed record of such nonconforming uses and buildings as public record, and to examine them periodically.
- G. Upon the request of the Planning Commission or of the Zoning Hearing Board, present such body of facts, records, and any similar information on specific requests to assist such body in reaching its decision, and
- H. To be responsible for keeping up-to-date this Ordinance and accompanying Zoning District Map.

3. Appeal – Any appeal from a decision or action of the Township shall be made in accordance with Part 10 of Act 247, as amended, the Pennsylvania Municipalities Planning Code.

4. Complaints Regarding Violations – Whenever a violation of this Ordinance

occurs, or is alleged to have occurred, any person may file a written and signed complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He shall record promptly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

5. Notification of Violation – If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, his notice shall:

- A. Be in writing.
- B. Include a description of the real estate sufficient for identification.
- C. Include a statement of the reason or reasons why it is being issued.
- D. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code, and
- E. Include an explanation of the owner’s right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board.

6. Enforcement – This Ordinance shall be enforced by the designated Zoning Officer of the Township. No permit of any kind as provided in this Ordinance shall be granted by him for any purpose except in compliance with the provisions of this Ordinance, or a decision of the Zoning Hearing Board or the courts.

7. Enforcement Remedies – In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisor or, with the approval of the Board of Supervisors, the Zoning Officer, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

§801. Permits.

1. Requirements for Zoning Permits – A zoning permit shall be required prior to the erection, construction or alteration of any building, structure or any portion thereof, prior to the moving of a building into the Township, from one place in the Township to another, prior to the change or extension of nonconforming use and shall be issued simultaneously with the required building permits.

2. Application for Permits – Application for permits including temporary permits shall be made in writing to the Zoning Officer on such forms as will be furnished by the Township. Such application shall include building and plot plans of a satisfactory nature in

duplicate, and shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this Ordinance. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work meets all the requirements of applicable codes and ordinances.

3. Issuance of Permits –

- A. No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
- B. Permits shall be granted or refused within thirty (30) days after date of application. In case of refusal, the applicant shall be informed of his right to appeal to the Zoning Hearing Board.

4. Expiration of Permits – No permit for the erection, razing, change, alteration, or removal of buildings shall be valid or effective after six (6) months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within six (6) months from the date of issuance and proceeded with, with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by reason of any cause not due to his own negligence, the permit may be renewed without additional cost to the applicant.

5. Certificate of Occupancy –

- A. Upon completion of the erection or alteration of any building portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or permanently effective, nor shall any building be occupied or lot used until said official has issued an occupancy permit certifying that the work has been inspected and approved as being in conformity with the permit and the provisions of this Ordinance and other applicable ordinances.
- B. In districts in which performance standards are imposed, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating when, upon a re-inspection by the Zoning Officer, it is determined that the facility is in compliance with all performance standards.
- C. Certificate of Occupancy shall be granted or denied within thirty (30) days from the date of application.

6. Temporary Permits – A temporary permit may be authorized by the Zoning Hearing Board as a special exception for a nonconforming structure or use which it deems beneficial to the public health or general welfare, or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such a permit shall be issued for a specific period of time, not exceeding six (6) calendar months, and may be renewed for an aggregate period of not more than two (2) years.

7. Sign Permits –

- A. A sign as specified in this Ordinance shall require a permit prior to the erection or alteration of any sign.
- B. Application for permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such officer to determine whether the proposed sign, or other proposed alterations, conform to all the requirements of this Ordinance.
- C. Permits shall be granted or refused within thirty (30) days from date of application.
- D. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
- E. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
 - (1) exact dimensions of lot or building upon which the sign is proposed to be erected;
 - (2) exact size, dimensions and locations of the said sign on lot or building;
 - (3) any other lawful information which may be required of applicant by the Zoning Officer. One copy of said plan or diagram shall be returned to the applicant, after the Zoning Officer shall have marked such copy either approved or disapproved, and attested to same.

§802. Schedule of Fees.

1. Schedule of Fees –

- A. The Board of Township Supervisors shall determine a schedule of fees, charges and expenses, as well as a collection procedure for special permits, variances, amendments, and other matters pertaining to this Ordinance. Said schedule of fees shall be posted in the office of the Zoning Officer.
- B. The Board of Supervisors shall be empowered to re-evaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance, and may be adopted at any public meeting of the Board by resolution.
- C. The required fees for zoning district amendments may vary according to advertising costs and thus shall be kept up-to-date by the Board of Supervisors and the Zoning Officer. All such fees shall be paid into the Township Treasury.
- D. Special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

PART 9
Zoning Hearing Board

§900. Organization.

1. Membership of the Board – The membership of the Board shall be five (5) residents of the Township appointed by the Township Supervisors. Their terms of office shall be given three (3) years and so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, except that no more than one member of the Board may also be a member of the Planning Commission.

2. Removal of Members – Any 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 taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.

3. Organization of the Board – The Board shall elect its officers from its own membership, who shall serve annual terms as such and may success themselves. For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all the members of the Board; but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in §901 of this Ordinance. The Board may make, alter and rescind rules and forms for its procedure consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and submit a report of its activities to the Township Supervisors once a year.

§901. Zoning Hearing Board Functions.

1. Hearings – The Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code (Act 247), as amended. Notice shall be given to the public, the applicant, the County Planning Agency, the Zoning Officer, such other persons as the Township Commissioners shall designate by ordinance and any person who has made timely request for same. Notices shall be given at such time and in such manner prescribed by ordinance, or in the absence of ordinance provision, by rules of the Board. The Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice not required by ordinance.

2. Appeals – The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court where appropriate.

3. Challenge to Validity – Except as provided in subsection 4 of this section relating to variances, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Township Supervisors. Recognizing that challenges to the validity of an ordinance or map may present issues of fact and interpretation which may lie within the special competence of the Board and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or interpretation not hitherto properly determined at a hearing before another competent agency or body and shall take evidence and make a record thereon as provided in subsection 1 of this section. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and make findings on all relevant issues of fact, which shall become part of the record on appeal to court.

4. Variances – The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer. The Board may grant a variance, provided the following findings are made where relevant in a given case:

- A. That there are unique 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 Ordinance in the neighborhood or district in which the property is located.
- B. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship had not been created by the appellant.
- D. That 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
- E. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to impellent the purpose of this Ordinance.

5. Special Exceptions – In this Ordinance, special exceptions may be granted or denied by the Board pursuant to expressed standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as specified under conditional uses herein. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of the Ordinance. The Board shall pursue the following procedures:

- A. The Board’s decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.
- B. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report hereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Township and, where appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street truck loading spaces and other pertinent features of the site plan. The Planning Commission shall have thirty (30) days form the date of its receipt of the application within which to file its report hereon. In the event hat said Commission shall fail to file its report within such thirty (30) days, such application shall be deemed to have been approved by said Planning Commission.
- C. The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgment, any one of such cases will not be detrimental to the health, safety and general welfare of the Township and is deemed necessary for its convenience.

- D. A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.

§902. Parties Appellant Before the Board. Appeals under §901(2) and proceedings to challenge an ordinance under §901(3) may be filed with the Board, in writing, by any officer or agency of the Township or any person aggrieved. Requests for a variance under §901(4) and special exception under §901(5) may be filed with the Board by any landowner or any tenant with the permission of such landowner.

1. Time Limitations – The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

- A. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes effect, unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- B. No person shall file an appeal from any proceeding, ruling or decision of the Board later than thirty (30) days after said ruling or decision has been handed down unless such person alleges and proves that he failed to receive adequate notice of such ruling or decision. If such person has succeeded to his interest after such ruling or decision, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

2. Stay of Proceedings – Upon filing of any proceeding referred to in this item and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the south discretion of the court.

§903. Zoning Appeals to Court.

1. Zoning appeals shall include appeals from the decisions of the Zoning Hearing Board and appeals upon report of the Board in proceedings to challenge the validity of any ordinance or map.

2. Zoning appeals may be taken to court by any party before the Board or any officer or agency of the Township.

3. The procedure to be followed in filing appeals to the courts shall be in accordance with Article X, Pennsylvania Municipalities Planning Code (Act 247), as amended.

PART 10
Amendments

§1000. Amending. The Board of Supervisors may, from time to time, on its own motion or on petition or recommendation of the Planning Commission, amend, supplement or repeal any of the regulations and provisions of this Ordinance after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Planning Commission, must be referred to the Planning Commission for its recommendations at least thirty (30) days prior to the hearing on such amendment. If, after public hearing held upon the amendment, the proposed amendment is reversed or further revised to include land not previously affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. The procedures should comply with procedures as outlined by P.M.P.C. as now in force or as amended.

PART 11
Definitions

§1100. Rules of Construction Language.

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural, and words used in the plural include the singular.
3. The word “lot” includes the word “plot” or “parcel.”
4. The word “person” includes an individual, firm or corporation.
5. The word “shall” is always mandatory.
6. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
7. Any reference to “R District” shall be interpreted to mean “Forest/Slope Districts, R-1 Districts, and R-2 Districts.”
8. A “building” or “structure” includes any part thereof.
9. Any reference to a “C District” shall be interpreted to mean “Business and General Commercial or Commercial Districts.”
10. Any reference to “M District” shall be interpreted to mean “Manufacturing District.”
11. “And” indicates that all connected items, conditions, provisions or events shall apply.
12. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
13. “Either...Or” indicates that the connected items, conditions, provisions or events may apply singly, but not in any combination.

§1101. Definitions.

ACCESSORY USE or BUILDING – a use or building customarily incidental and subordinate to the principal use or building, and (except as otherwise provided) located on the same lot with such principal use or building.

ALTERATION – any change, rearrangement or addition to, or any relocation of, a building or structure; any modification in construction or equipment.

ATTIC – any area under a roof, with or without a finished floor, which does not meet other requirements for livable floor area.

BUILDING – a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property.

BUILDING, COMPLETELY ENCLOSED – a building separate on all sides from the adjacent open areas, or from other buildings or other structures, by a permanent roof and by exterior walls or partial walls, pierced only by windows or normal entrances or exit doors.

BUILDING HEIGHT – the vertical distance measured from the average elevation of the proposed finished grade of the building to the highest point on the roof for flat roofs, to the deck line of mansard (a roof with a double pitch on all sides) roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. For the purpose of determining maximum permitted height, for principal buildings, such measurement shall be made from the average, finished grade at the front setback. For the purpose of side yard or rear yard determination, such measurement shall be made from the average finished grade of the wall extending along such side yard or rear yard.

DWELLING – a building for one or more families, but not including a building of mixed occupancy.

- A. **DWELLING UNIT** – one or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.
- B. **SINGLE FAMILY DWELLING** – a building containing one dwelling unit and designed or used exclusively for occupancy by one family.
- C. **TWO FAMILY DWELLING** – a building containing two dwelling units and designed or used exclusively for occupancy by two families living independently of each other; or 2 one-family dwellings having a party wall in common.
- D. **MULTI-FAMILY DWELLING** – a building or portion thereof containing three (3) or more dwelling units and designed or used for occupancy by three (3) or more families living independently of each other.

DWELLING GROUP – a group of two (2) or more dwellings located on the same lot and having any yard or open space in common.

ENLARGEMENT – an increase in floor area of an existing building or an increase in size of an existing structure, or an increase in the area of land used for an existing open use.

EXTENSION – an increase in the amount of existing floor area used for an existing use in an existing building.

FAMILY – one or more persons living together in one dwelling unit and maintaining a common household, including domestic servants and gratuitous guests, together with boarders, roomers and lodgers not in excess of the number allowed by this Ordinance as an accessory use.

FARM STRUCTURE – any structure necessary to the operation of a farm and for the storage of farm equipment, except dwellings, garages used for the storage of non-farm vehicles and roadside stands used for the sale of products raised on the premises.

GARAGE, PRIVATE – an accessory building or portion of a main building used for the storage of self-propelled vehicles including commercial vehicles having a rated capacity of not more than $\frac{3}{4}$ ton, used by the occupants of the premises, and which may include space for not more than one passenger vehicle used by others.

- A. **ATTACHED GARAGE** – a garage which is structurally attached to a principal building and which may have livable floor area adjoining not more than one wall of such garage.
- B. **INTEGRAL GARAGE** – a garage which is structurally attached to a principal building and which has a livable floor area above or adjoining one or more walls of such garage.

GASOLINE SERVICE STATION – any area of land, including structures thereon, that is used primarily for the sale of gasoline or other motor vehicle fuel; accessory uses may include the sale of oil, other lubricating substances or motor vehicle accessories, or facilities for lubricating, washing or for the incidental replacement of parts, or motor service to passenger automobiles or trucks not exceeding 1-1/2 tons rated capacity, but shall not include general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, or collision service, body repair, frame straightening, painting, undercoating, vehicle steam cleaning, or upholstery.

HOME OCCUPATION – any use customarily conducted entirely within a dwelling and carried on only by the residents thereof, and which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof, provided that:

- A. Only customary home appliances are used.
- B. There is no exterior evidence of such home occupation other than a permitted identification sign.
- C. No article is sold or offered for sale except such as may be produced by members of the family residing on the residence.
- D. Any use first permitted in the C or M Districts shall not be interpreted as being a home occupation.

HOTEL – a building containing sleeping rooms in which lodging is provided primarily for transient guests for compensation and which may including public dining facilities.

JUNK YARD – a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, stored, baled, packed, disassembled, handled or abandoned; but not including pawn shops, antique shops, establishments for the sale, purchase or storage of used furniture, household equipment, clothing, used motor vehicles capable of being registered or machinery to be re-used for the purpose for which originally manufactured.

KENNEL – the keeping of more than two dogs that are more than six (6) months old.

LIVABLE FLOOR AREA – the area of finished floors of a dwelling, excluding cellars, garages, breezeways, unenclosed porches, attics, or basements not designed for human occupancy, and including only such floor area under a sloping roof for which the headroom is not less than five feet (5') and then only if at least sixty-five percent (65%) of such floor area has a ceiling height of at least seven feet six inches (7' 6") and if any such floor that is situated above another story has access to the floor area shall be made from exterior faces of exterior walls or from center lines of party walls.

LOT – a parcel of land occupied or capable of being occupied by a principal building or use, or a group of principal buildings or uses that are united by a common interest or customary accessory buildings or uses, and including such open spaces to be used in connection with such building or uses. A lot may or may not be a lot of record.

LOT, CORNER – a lot at the junction of and fronting on two or more intersecting streets.

LOT, DEPTH – the mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR – a lot other than a corner lot.

LOT, THROUGH – a lot in which the front lot line and rear lot line abut a street.

LOT, WIDTH – the least horizontal distance across the lot between side lot lines, measured at the front setback of a main building erected or to be erected on such lot or at a distance from the front lot line equal to the required depth of the front yard.

LOT LINES – the property lines bounding the lot. Where any property line parallels a street and is not coincident with the street line, the street line shall be construed as the property line for the purpose of complying with the area and setback regulations of this Ordinance.

LOT LINE, FRONT – where a lot abuts upon only one street, the street line shall be the front lot line. Where a lot abuts upon more than one street, the assessment roll of the Township shall determine the front lot line.

LOT LINE, REAR – any lot line which is opposite and more or less parallel with the front lot line. In the case of a lot which comes to a point at the rear, the rear lot line shall be an imaginary

line, ten feet (10') in length, entirely within the lot, parallel to and most distant from the front lot line.

LOT LINE, SIDE – any lot line which is not a front lot line or a rear lot line.

MIXED OCCUPANCY – occupancy of a building in part as a dwelling and in part for some other use not accessory thereto.

MOBILE HOME – a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile home is not here defined to include units which have many of the same characteristics, but are constructed so that they must be used on a permanent foundation and are often referred to as module or sectional units.

MOBILE HOME LOT – a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK – a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

MOTEL – a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient travelers and providing accessory off-street parking facilities. The term “motel” includes buildings designated as motor lodges.

NONCONFORMING USE – any lawful use of land, premises, building or structure which does not conform to the regulations of this Ordinance for the district in which such use is located either at the effective date of this Ordinance or as a result of subsequent amendments thereto.

NURSING or CONVALESCENT HOME – any building where persons are housed or lodged and furnished with meals and nursing care for hire.

OIL STRUCTURE – any structure necessary to or customarily used in the production, storage or transportation of crude oil or for the storage of equipment used for such production, storage or transportation.

PERMANENT FOUNDATIONS – a solid block wall with mortared joints. Suitable space for proper ventilation and crawl space. A poured concrete wall with the same provisions as in a block wall. Other suitable solid constructions, as approved by the Building Inspector. The walls shall be placed on a concrete footer. Minimum size shall be six inches (6”) thick and twelve inches (12”) wide.

PUBLIC GARAGE or REPAIR GARAGE – any garage other than a private garage or gasoline service station, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

REPAIR – replacement or renewal, excluding additions, of any part of a building, structure, device, or equipment, with like or similar materials or parts, for the purpose of maintenance of such building, structure, device or equipment.

RESERVOIR SPACE – a temporary storage space for a vehicle waiting for service or admission.

SETBACK – at least horizontal distance from any existing or proposed building or structure to the nearest point in any indicated lot line or street line.

SHOPPING CENTER – an area developed for major commercial purposes which adhere to unified architectural, building and land use standards. Such a development shall be a contiguous land area of not less than twenty-five (25) acres in size, shall adjoin at least one major highway, and shall be located in proximity to major arterial highway systems. Such a development shall be designed to contain multi-facility structures used for cultural, commercial, entertainment and/or recreational purposes with adequate parking facilities as provided in this Ordinance or as determined by the Zoning Hearing Board through its special exception review and approval procedures. Overall appearances with surrounding areas are also to be reviewed and approved by the Zoning Hearing Board.

SIGN – a sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or presentation used as, or which is in the nature of announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows.

A sign may include, but is not limited to, any billboard which may or may not include the flag, pennant, or insignia of any nation or association of nations, or of any state, city or other political unit, or of any political, charitable, education, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

SIGN, ADVERTISING or BILLBOARD – a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zoning lot.

SIGN, FLASHING – a moving or animated sign or any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

SIGN, ILLUMINATED – any sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

SOLAR ENERGY COLLECTORS – a component of an active solar system used to collect heat from the sun for the heating of space or water in the structure or structures occupying the lot.

STABLE, PRIVATE – any accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC – a building in which any horses are kept for remuneration, hire or sale.

STORY – that portion of a building between the surface of any finished floor and the surface of the finished floor next above it, or if there be no floor above it, than the space between any floor and the ceiling next above it.

STREET – any road, avenue, lane, alley or other way which is an existing public way, or which is shown on an approved plat, or any private right-of-way or easement approved by the Board of Township Supervisors.

STREET LINE – a line separating a lot from a street. In any case where a future street line has been established or approved by the Board of Township Supervisors, such future street line shall be considered as a street line for the purpose of determining lot area and setback requirements.

STRUCTURE – anything constructed or erected, which requires permanent location on the ground or attachment to something having such location, but not including a trailer.

STRUCTURAL ALTERATIONS – any change in the supporting members of a building or other structure, such as bearing walls, columns, beams, or girders.

TRAVEL TRAILER – a vehicular portable structure built on a chassis (pick-up camper, converted bus, tent-trailer, or similar device) designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet (8').

USE – the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

YARD – that portion of a lot extending open and unobstructed from the ground upward along a lot line.

YARD, FRONT – a yard extending the full length of the front lot line between the side lot lines. The front yard depth of a lot located on a curve shall be measured from the chord connecting the arc of the front lot line.

YARD, FRONT EQUIVALENT – that portion of a rear yard of a through lot extending along a street line and from the street line for a depth equal to a required front yard. Any front yard equivalent shall be subject to the regulations of this Ordinance which apply to front yards.

YARD, REAR – on an interior lot, a yard extending for the full length of the rear lot line between the side lot lines. On a corner lot, a yard extending along a rear lot line between an interior side lot line and an exterior side yard.

YARD, REQUIRED – a yard having a depth or width set forth in the applicable district regulations. Such width or depth shall be measured perpendicular to lot lines.

YARD, SIDE – a yard extending along a side lot line from the required front yard to the required rear yard, except that, on a corner lot where the side lot line abuts a street, the side yard shall extend from the required front yard to the rear lot line.

A. **EXTERIOR SIDE YARD** – a side yard extending along a street line.

B. **INTERIOR SIDE YARD** – a side yard extending along a lot line of an adjoining lot.

PART 12
Miscellaneous

§1201. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

§1202. Effective Date. This Ordinance shall become effective upon its enactment.

ORDAINED AND ENACTED this 20th day of June, 2019.

ATTEST: (seal)

FOSTER TOWNSHIP

Secretary

Supervisor

Supervisor

Supervisor