

ORDINANCE NO. 4 OF 2024

FOSTER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE OF FOSTER TOWNSHIP, LUZERNE COUNTY,
PENNSYLVANIA, AMENDING THE FOSTER TOWNSHIP ZONING ORDINANCE

The Foster Township Board of Supervisors do hereby adopt the following amendments to the Foster Township Zoning Ordinance:

ARTICLE 2
DEFINITIONS

SECTION 203 DEFINITIONS

The following definitions are added or changed:

CARGO CONTAINERS AS LEASED STORAGE SPACE

A principal use of a property, in which Cargo Containers as defined in Article 2, are leased to the general public for storage within Cargo Containers contained upon the property.

ARTICLE 5
ZONING DISTRICT REGULATIONS

SECTION 502

NONRESIDENTIAL USES	B-2	B-3	A-1	C-1	1-1	I-2	S-1	AEO
Cargo Containers	P	P	P	N	P	P	N	N
Cargo Container Storage Yard	P	P	N	N	P	P	N	N
Cargo Containers As Leased Storage Space	N	N	N	N	C	N	N	N

ARTICLE 8
SUPPLEMENTAL REGULATIONS

801.51 CARGO CONTAINERS, CARGO CONTAINER STORAGE YARDS, AND
CARGO CONTAINERS AS LEASED STORAGE SPACE

- A. Cargo Containers shall comply with the following regulations:
1. Cargo Containers shall only be permitted as an accessory structure or use in the A-1, B-2, B-3, I-1, and I-2 Zoning Districts.
 2. Cargo Containers shall not be stored or placed as a principal or accessory structure or use on property zoned R-1, R-1A, R-2, C-1, S-1, AEO, PRD, or on lot where the principal use is residential. However, the temporary placement of a Cargo Container shall be permitted for the limited purpose of loading and unloading household contents or goods for a period not exceeding 30 days in any one calendar year.

3. Cargo Containers shall be permitted f in any zoning district provided the Cargo Container is being used by a contractor for the temporary storage of equipment or materials during construction which is taking place on the lot, or an adjacent lot, where the Cargo Container is located. No contractor shall use a Cargo Container for temporary storage without a valid permit approved and issued in the manner provided for by this Ordinance.
 - (i) A temporary storage permit shall be valid for the calendar year in which it is issued. The contractor using the Cargo Container for temporary storage shall be required to re-apply annually.
 - (ii) A temporary storage permit is not transferable from one contractor to another owner.
 - (iii) The fee for the temporary storage permit shall be established by resolution of the Board.
 - (iv) The application for a temporary storage permit shall be made by the contractor to the Code Official accompanied by a fee established by resolution of the Board. The permit fee shall not be prorated when applied for during a calendar year and shall be valid for the year in which it is issued. The application shall contain the following information:
 - a. The name, address, and telephone number of the Contractor for which the temporary storage permit is to be issued.
 - b. Site Plans showing the number and location of all Cargo Containers on the property together with a list identifying all materials to be temporarily stored
 - c. Proof of general liability insurance with a minimum amount of three hundred thousand dollar (\$300,000.00) combined single limit.
 - d. Such other information as the Code Official may deem appropriate to show compliance with all Foster Township Ordinances.
4. Cargo Containers where permitted pursuant to Section 801.51(A) shall not be:
 - (i) Stacked above one another.
 - (ii) Used as a sign for advertising.
 - (iii) Used for the storage of hazardous substances, except where the Cargo Container is used by a contractor for temporary storage pursuant to Section 801.51(A)(3) of this Ordinance.
5. Cargo Containers where permitted pursuant to 801.51 (A) shall be:
 - (i) Located in a rear yard in the B-2, and B-3 Zoning Districts.
 - (ii) Located in a side or rear yard in the A-1, I-1, and I-2 Zoning Districts.
 - (iii) Not less than 25 feet from any lot line.

(iv) Limited to two per lot.

B. Cargo Container Storage Yards shall comply with the following regulations:

1. The stacking of cargo containers more than 20 feet in height is prohibited.
2. The lot shall be enclosed by a fence not less than eight feet in height constructed and intended to screen the use of the property from public view.
3. All driveways, access drives and parking areas shall be paved.
4. All cargo container storage areas shall be located not less than 50 feet from all lot lines.

C. Cargo Containers as Leased Space shall be subject to the following regulations:

1. The storage facility shall be enclosed with a fence 8 feet in height and a controlled access gate for entrance onto the property.
2. A map with number, location and dimensions of each Cargo Container as Leased Space to be located on the property shall be included as a site plan with the submission of a zoning permit application.
3. No hazardous material or substances shall be permitted upon the property.
4. All Cargo Containers as Leased Space shall not be used for any commercial purpose other than for rent to the public for storage of personal property. Cargo Containers as Leased Space shall not be used for any other activities. No outdoor storage shall be permitted.
5. Cargo Containers as Leased Space shall be setback not less than 50 feet from any property line.
6. All roads, points of access, parking areas within the property shall be paved.
7. Each storage facility shall have adequate circulation of traffic with access aisles a minimum of 25 feet in width for customer access and emergency service vehicles.
8. All outside lighting shall be directed away from adjacent properties.
9. No stacking of Cargo Containers as Leased Space shall be permitted.
10. Upon securing zoning approval, land development approval shall be required.
11. Cargo Containers as Leased Space shall be repaired and maintained as structures in accordance with the latest version of the International Property Maintenance Code as adopted by the Township.
12. Cargo Container as Lease Space Permit; Limitations of Rental Permit; Fee.

- (i) No owner of Cargo Containers as Leased Space shall rent, offer to rent, or advertise for rent a Cargo Container to another person without a valid rental permit approved and issued in the manner provided for by this Ordinance.
- (ii) A rental permit shall be valid for the calendar year in which it is issued. The owner of a Cargo Container as Leased Space shall be required to re-apply annually.
- (iii) A rental permit is not transferable from one owner to another owner. Upon the sale or transfer of ownership of a Cargo Container as Leased Space, a new owner is required to secure a new rental permit.
- (iv) The fee for the rental permit shall be established by resolution of the Board.

13. Permit Application; Fee.

- (i) The application for a rental permit shall be made by the owner to the Code Official accompanied by a fee established by resolution of the Board. The permit fee shall not be prorated when applied for during a calendar year and shall be valid for the year in which it is issued. The application shall contain the following information:
 - a. The name, address, and telephone number of the owner of the Cargo Container as Leased Space for which the permit is to be issued.
 - b. Site Plans showing the number and location of all Cargo Containers on the property
 - c. Proof of general liability insurance with a minimum amount of three hundred thousand dollar (\$300,000.00) combined single limit.
 - d. Such other information as the Code Official may deem appropriate to show compliance with all Foster Township Ordinances.

12. Decommissioning

- (i) Time limit - The Cargo Containers as Leased Space owner, at its own expense, complete decommissioning of the Cargo Containers as Leased Space, or individual components, within 12 months after the end of the useful life of the Cargo Containers as Leased Space or individual components. The Cargo Containers as Leased Space or individual components shall be presumed to be at the end of its useful life if a valid rental permit for the Cargo Containers as Leased Space is not maintained for a continuous period of 12 months.
- (ii) Removal Requirement - Decommissioning shall include removal of Cargo Containers, roads, foundations, and any other associated facilities.

- (iii) Disturbed Earth - Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (iv) Professional Engineer - An independent and licensed Professional Engineer shall be retained to estimate the total cost of decommissioning (decommissioning costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (net decommissioning costs). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- (v) Financial Security Bond - The Cargo Containers as Leased Space owner, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount not less than the decommissioning costs, but not less than \$50,000, from a company and in a form and content as permit by the Pennsylvania Municipality Planning Code, to insure the decommissioning within 12 months of the expiration of the rental permit and/or cessation of use. The bond shall remain in place for as long as the Cargo Containers exist at the site.
- (vi) Funds - Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- (vii) Landowner Responsibility - If the Cargo Containers as Leased Space owner fails to complete decommissioning within the prescribed time period, then the landowner shall have 12 months to complete decommissioning.
- (viii) Township Intervention - If neither the Cargo Containers as Leased Space owner nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- (ix) Release of Decommissioning Funds - The escrow agent shall release the decommissioning funds when the Cargo Containers as Leased Space owner has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

These amendments shall take effect immediately following its adoption.

The remaining sections of the Zoning Ordinance, except as amended above, shall remain the same unchanged.

These amendments are adopted this 12th day of June, 2024.

ATTEST:

FOSTER TOWNSHIP SUPERVISORS:

Brian Majors
Secretary

By: [Signature]
Chairman

By: [Signature]
Vice Chairman

By: [Signature]
Supervisor