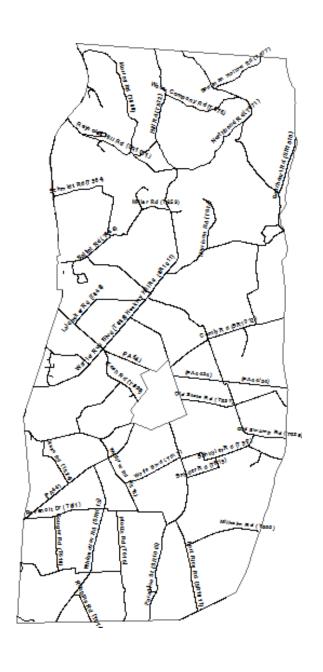
# OFFICIAL ZONING ORDINANCE OF LEWIS TOWNSHIP, NORTHUMBERLAND COUNTY, PA



May 14, 2025

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## Lewis Township Zoning Ordinance

Number 2025-3

Effective Date: May 14, 2025

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Lewis Township Northumberland County, Pennsylvania

## LEWIS TOWNSHIP ZONING ORDINANCE

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## **ARTICLE I**

## Short Title, Purpose and Community Development Objectives

## ARTICLE I - SHORT TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

### A. Short Title

This Ordinance should be known and may be cited as "The Lewis Township Zoning Ordinance."

## B. Authority

- A. Township Authority. Section 601 of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended) provides that the Lewis Township Board of Supervisors may enact and amend a zoning ordinance to implement the Comprehensive Plan and to accomplish any of the purposes of Act 247.
- B. Applicability. This Ordinance requires that, within Lewis Township, in the County of Northumberland and the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water, or structure is located.

## C. Purposes

- A. General Purposes. The Lewis Township Zoning Ordinance is designed to meet the following general purposes. To promote, protect and facilitate any or all of the following:
  - 1. The public health, safety, morals, and the general welfare.
  - 2. Coordinated and practical community development and proper density of populations.
  - 3. Emergency management preparedness and operations.
  - 4. Provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements.
  - 5. Preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
  - 6. Prevention or minimization of one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire or flood.
  - 7. Provision for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home park.
  - 8. Accommodation of reasonable overall community growth, including population and employment growth.
- B. This Ordinance provides the legal basis and framework for the future development and redevelopment of the Township. Its provisions are guided by the statement of community development goals and objectives and the policy and action plans of the Joint Comprehensive Plan of Lewis Township and Turbotville Borough.

## **ARTICLE II**

## **Definitions**

### **ARTICLE II - DEFINITIONS**

## 200. General Interpretation

Words and terms used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural, and the plural includes the singular.
- C. The word "person" includes individual, corporation, partnership, trust, company, organization, firm, and association.
- D. The word "lot" includes the words "plot" or "parcel".
- E. The term "shall" is mandatory; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied."

### 201. Definitions

The following words, terms or phrases shall have the following meanings unless expressly stated otherwise or unless the context clearly indicates otherwise. Any word or term not defined shall be used with a meaning of standard usage within the context of the Section, unless specifically defined in the Lewis Township Subdivision and Land Development Ordinance or other relevant Township ordinances.

ABANDONMENT - The relinquishment of lessee property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property. For the purpose of this Ordinance, abandonment shall commence when reasonable efforts to re-establish (such as lease, rental, sale, etc.) the property or use have ceased,

ACCESS DRIVE - A public or private drive, other than a driveway, which provides for vehicular access between a public street and a tract of land containing any use other than one (1) single-family or two-family dwelling.

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

ACCESSORY HOME OFFICE USE - A home occupation consisting of the office of a practitioner or a recognized profession, representing a less intense use than a cottage industry.

ACCESSORY BUILDING/STRUCTURE - A subordinate building or structure, serving a purpose customarily incidental to the use of the principal structure or principal use and located on the same lot as the principal structure or principal use.

ACCESSORY SOLAR ENERGY SYSTEM (ASES): An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, roof, or wall mounted solar arrays or modules, or solar related equipment at a system maximum at 10kW and is intended to primarily reduce on-site consumption of utility power or fuels.

ACCESSORY USE - A use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principle use.

ACT - Shall mean the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ADULT BUSINESS - An establishment open to the general public or a private club open to members, except minors, which is used and occupied for one or more of the following activities:

- A. ADULT BOOKSTORE Any establishment which derives a substantial and significant portion of its gross receipts from the sale, distribution or exhibition of any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, audio- or videotape or motion picture which is pornography under the meaning ascribed to the word by this section and which expressly prohibits entry to minors.
- B. ADULT THEATER Any establishment operated for the purpose of showing motion-picture films to patrons, whether such patrons observe the motion-picture film while seated in the interior of the building or while seated in automobiles, which derives a substantial and significant portion of its gross receipts from the exhibition of films which are pornography under the meaning ascribed to that term in this section and which expressly prohibits entry to minors unless accompanied by an adult.
- C. MASSAGE PARLOR Any establishment where any part of the patrons' bodies are massaged, caressed, stroked, pounded, rubbed or treated in a similar fashion by members of the opposite sex, whether or not such activity involves the use of oils, creams, liniments, ointments or similar substances.
- D. NUDITY The showing of the human male or female genitals or pubic area or buttocks with less than a fully opaque covering or the showing of female breast with less than fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.
- E. OTHER ADULT USES Any establishment in which conduct, activity or the. sale, distribution or exhibition of printed or drawn material which is pornography within the meaning ascribed to that work in this section is the source of a substantial and significant portion of gross business receipts, Such "other adult uses: shall include, but not be limited to, nude wrestling, male or female erotic dancers or strippers and escort centers.
- F. PORNOGRAPHY The depiction or dissemination of nudity, sexual conduct, sadomasochistic abuse or explicit and detailed verbal descriptions or narrative accounts of nudity, sexual excitement, sexual conduct or sadomasochistic abuse which, to the average person applying contemporary community standards, has as its dominant theme, taken as a whole, an appeal to prudent interest.
- G. SEXUAL CONDUCT Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.
- H. SEXUAL EXCITEMENT The condition of human male or female genitals when in a state of sexual stimulation or arousal.

AGRIBUSINESS OPERATION -Agricultural uses that involve, but are not necessarily limited to, one or more of the following conditions:

- A. CONCENTRATED ANIMAL FEEDING OPERATION -. Any agricultural operation with greater than One Thousand (1,000) AEU, or Concreated Animal Operation with greater than Three Hundred (300) AEU as further defined by Pennsylvania Department of Environmental Protection regulations. Additionally, any operation meeting the criteria for a large CAFO under 40 CFR 122.23(b)(4).
- B. CONCENTRATED ANIMAL OPERATION Any agricultural operation with Eight (8) or more AEU where the density of animals is greater than Two (2) AEU per acre on an annualized basis or other such definition as established by the State Conservation Commission from time to time.

AGRICULTURE – The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal husbandry, and the accessory uses for packing, treating, or storing the produce (excluding commercial meat packing and rendering operations); provided however that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.

AGRICULTURAL BUSINESS – Any business related to (i) the processing or sale of agricultural products or supplies, or (ii) the sale, service or repair of agricultural equipment, products, or supplies. As used herein, processing does not include the processing or rendering of animals and no such use involving the processing or rendering of animals shall be considered an agricultural business.

AGRICULTURAL ROADSIDE STANDS - A structure for the display and sale of farm products. An agriculture roadside stand is either of a temporary or permanent nature.

- A. TEMPORARY ROADSIDE STANDS A structure utilized to sell produce from the farm only during the harvesting season and situated a safe distance from the roadway for safe customer Ingress, egress and parking. Following the harvesting season all structures and signage is removed from the premise.
- B. PERMANENT ROADSIDE STAND A structure utilized to sell farm produce throughout the year from a permanently erected structure and meeting the area, dimensional, parking and signage requirements set forth in this Ordinance

AMATEUR RADIO ANTENNA - An accessory structure or device, partially or wholly exterior to a building that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies, including ham radios. Amateur radio antennas are not considered communication towers and antennas as regulated in this Ordinance.

AMENDMENT - A change in use in any district which includes revisions to the Zoning Ordinance text and/or the official Zoning Map.

ANIMAL EQUIVALENT UNIT (AEU) – One (1) AEU shall be equal to One Thousand (1000) pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit.

ANIMAL HUSBANDRY - The raising and keeping of livestock and poultry, not including agribusinesses as defined herein, with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, excluding accessory kennels or stables.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development including heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

APPOINTING AUTHORITY - The Lewis Township Board of Supervisors.

AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

BASEMENT - An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if more than 50 percent of the perimeter walls at the basement ceiling height are 5 feet or higher above the adjacent finished grade.

BASE SITE AREA - The land remaining after subtracting land which is held for future road rights-of-way or is in existing utility rights-of-way or other easements.

BED AND BREAKFAST INN - Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

BOARD - The Zoning Hearing Board of Lewis Township.

BOARD OF SUPERVISORS - The Board of Supervisors of Lewis Township.

BUFFER - Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDABLE SITE AREA - The area of the site, which may be altered, disturbed, or regraded for development purposes. The buildable site area may contain buildings, roads, parking areas, sewage systems, or storm water management facilities. The buildable site area shall not contain required open space, recreation or natural resource protection areas.

BUILDING - Any combination of materials forming any structure, which is erected, on the ground and permanently affixed thereto, designed, intended, or arranged for the ' " housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

BUILDING COVERAGE - The percentage obtained by dividing the maximum horizontal area in square feet of all principal and accessory buildings on a lot by the total "lot area", as defined by this Ordinance, of the lot upon which the buildings are located.

BUILDING PERMIT - Written permission issued by the proper Township authority for the construction, major repair, alteration, addition, or demolition to a structure.

BUILDING, PRINCIPAL - A building used for the conduct of the principal use of a lot, and which is not an accessory building.

BUILDING SETBACK LINE - A line within a property designating the minimum distance that must be provided between any building or structure and an adjacent right-of-way line, property line, or street line, whichever shall apply.

BUILDING SPACING - The horizontal distance between two buildings.

BUSINESS PARK - A tract of land that is planned and developed under a unified design scheme, and operated as an integrated facility for a number of individual permitted business uses regardless of ownership, either common or single and separate, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility. Heavy industry uses shall not be a part of a business park.

CAMPGROUNDS AND FACILITIES - A use that is primarily recreational in nature and involves the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or travelers, or the use of tents or cabins for seasonal occupancy by organized groups of persons.

CEMETERY - Land or buildings used for the burial of the dead.

CLUB AND/OR LODGE - A building and/or structure utilized as a private club offering food and/or drink privileges.

CLUSTER GROUPING - A grouping of cluster residential lots forming a cluster in accordance with the requirements of this Ordinance.

CLUSTER RESIDENTIAL LOT - Designated parcels of land, smaller than otherwise permitted in this district, established by the subdivision of a tract of land greater than ten (10) acres, which may be developed as a grouping of single-family residences located to minimize adverse impacts on surrounding environmental features and to provide access to and views of surrounding open land (See sketch of cluster versus standard, subdivision at the end of the definitions).

COMMERCIAL INDOOR RECREATION - Any establishment which provides recreation, amusement or entertainment for the general public within a completely enclosed structure for a fee or admission charge. Commercial Indoor recreation facilities may include theaters, bowling alleys, pool halls, and skating rinks. ~ These establishments do not include adult-oriented businesses.

COMMERCIAL KENNELS - A commercial establishment In which dogs or domesticated animals (excluding livestock, horses or poultry) are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

COMMERCIAL LIVESTOCK OPERATION – An agricultural operation, regardless of acreage involving One Hundred (100) or more AEU.

COMMERCIAL NURSERIES AND GREEN HOUSES - A commercial use primarily involving horticulture, which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the principle use.

COMMERCIAL OUTDOOR RECREATION - A use of open land for leisure time activities, such as a swimming pool, tennis court, drive-in theater, miniature golf course, and miniature racing for a fee or admission charge.

COMMISSION - The Lewis Township Planning Commission.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets and off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS FACILITIES - Communication antennas, buildings, structures and towers associated with the communications industry and in accordance with the following definitions.

COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation unidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING -An unmanned building or cabinet containing communications equipment required for the operation of communication antennas and covering an area on the ground not greater than 250 square feet.

- A. HEIGHT OF A COMMUNICATIONS TOWER The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.
- B. PUBLIC UTILITY TRANSMISSION TOWER A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

CONDITIONAL USE - See definition of "use".

CONDOMINIUM - An ownership arrangement and not a land use, therefore, it is allowed in any district and under the same restrictions of the residential land use that comprises it. A condominium is a dwelling unit, which has all of the following characteristics:

The unit (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.

The unit may be any permitted dwelling type.

All or a portion of the exterior open space and any community interior spaces area owned and maintained in accordance with the Uniform Condominium Act of Pennsylvania regulations' and in accordance with the provisions for open space, roads, or other development features in this Ordinances and the Lewis Township Subdivision and Land Development Ordinance.

CONVENIENCE GROCERY STORES - A use that primarily sells for off-site consumption, routine household goods, groceries, and prepared ready-to-eat foods to the general public and that includes a building with a floor area of less than 5,000 square feet. This use may also include the accessory sale of gasoline, provided it is allowed within the district regulation and requirements are met.

COTTAGE INDUSTRY - The routine, accessory and customary use of a portion of a dwelling or its accessory buildings for the conduct of business that is clearly incidental and secondary to the principal residential use and is conducted primarily by one or more residents of the dwelling in accordance with the use regulations established in this Ordinance.

COUNTY - The County of Northumberland, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Northumberland County Planning Commission

CROP FARMING - The raising, keeping and/or sale of field, truck or tree crops.

DAYCARE CENTER - A facility which provides care for a combined total of seven or more children or adults per day, where the facility is not being used as a residence.

DENSITY - Density is a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre.

DENSITY, BASE - The maximum density permitted on a parcel of land in a particular zoning district.

D.E.P. - The Pennsylvania Department of Environmental Protection, or its successor, and its relevant subparts.

DEVELOPER - Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean written and graphic materials referred to in this definition.

DISTRICT (OF ZONING DISTRICT) - A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

DRIVE-THROUGH SERVICE - A use involving a customer being able to order and receive food or other items or make financial transactions while the customer remains within their vehicle.

DRIVEWAY - A private vehicular access between a public street and a garage, carport, or other parking space for one (1) single-family or two-family dwelling.

DWELLING UNIT - Any building or part thereof, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided for the exclusive use of a single family maintaining a household.

## **DWELLING UNIT TYPES:**

A. MULTIPLEX (garden apartments) - one or more two-story, multifamily structures not to exceed sixteen units. The dwelling units share a common lot area, which is the sum of the required lot

areas of all dwelling units within the building.

- B. SINGLE FAMILY ATTACHED (townhouses) A single-family attached dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. A row of attached townhouses shall not exceed six dwelling units.
- C. SINGLE FAMILY DETACHED DWELLINGS A building on one lot containing one dwelling unit that is not attached to any other dwelling
- D. SINGLE FAMILY SEMI-DETACHED DWELLINGS (duplex) an one-family dwelling attached to one other one-family dwelling by a common. Vertical wall, with each dwelling located on a separate lot.
- E. TWO FAMILY ATTACHED A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unplaced ceiling and floor extending from exterior wall to exterior wall, except for common stairwell extender to both dwelling units.

EDUCATIONAL INSTITUTIONS - Any building or part thereof which is designed, constructed, or used for public or private education or instruction in any branch of knowledge.

ESTATE LOTS - Designated parcels of land at least five (5) acres in size, established by subdivision of a tract of land greater than ten (10) acres, which may be developed for a single-family residential use, whereby at least seventy-five (75) percent of the estate lot remains in open space free of structural development, and whereby no more than 1.25 acres of the parcel is developed as a single-family residential living area with customary structural development and a surrounding manicured yard area.

FARM OR FARM PARCEL - A tract or parcel of land devoted primarily to agricultural uses, together with a dwelling and/or other accessory uses.

FARM DWELLING - A single family detached dwelling associated with the farm parcel and activities.

FEED AND GRAIN MILL - An establishment involved in the processing and storage of feed and grain.

FENCE - A man-made or landscaped barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, wire, chain-link metal, vinyl or aluminum, plastic inserts and/or vegetation. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall".

FISH HATCHERIES - An area devoted to the cultivation of fish and other seafood for sale or distribution.

FLOOD - A temporary inundation of normally dry land areas.

FLOOD ELEVATION, REGULATORY - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half feet (1 - 1 /2').

FLOODPLAINS - The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in an I00-year frequency flood.

FLOOD-PROOFING - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY-The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the l00-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where FEMA Maps or studies have defined the boundary of the l00-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings but excluding any space where the floor-to-ceiling height is less than six feet.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONTAGE - The portion of a lot abutting the street right-of-way line.

FUNERAL HOME - A building devoted to the care, embalming and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

FUTURE RIGHT-OF-WAY - The right-of-way required for the expansion of existing streets to accommodate anticipated future traffic loads and/or a right-of-way established through the Joint Comprehensive Plan and the Lewis Township Subdivision and Land Development Ordinance to provide future access to or through undeveloped lands.

GARAGE, ACCESSORY - An enclosed building for the storage of one (1) or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling in a residential district, except as may be allowed as an accessory home office.

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

GOLF COURSE - A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelters, maintenance and storage facilities and a driving range.

GOVERNING BODY - Shall mean the Lewis Township Board of Supervisors, Northumberland County, Pennsylvania.

GRANNY FLATS - A secondary, one-bedroom, single-family detached or attached dwelling unit located on the same lot as the primary dwelling and designed to house no more than two persons.

HABITABLE FLOOR AREA - The sum of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen and bedroom, but not including hallways, stairways, cellars, attics, service or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches nor rooms without at least a skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

HALFWAY HOUSE - A dwelling for the supervision of transitionally institutionalized individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to, a penal Institution or juvenile detention center.

HEIGHT- The vertical distance of a structure or building measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

HELISTOP - An area on a roof or ground used by helicopters or steep gradient aircraft for the purpose of picking up or discharging passengers or cargo.

HOME ANIMAL AGRICULTURE: The raising or boarding of chickens (excluding roosters), goats, sheep or hogs on a parcel of land for personal use. Personal use for such animals shall not exceed the following quantities:

Type of Animal	Maximum Number of Animals/Animal Unit	Minimum Lot Size (Acre)
Chickens(excluding roosters)	12	1
Goats	2	1
Sheep	2	1
Pigs	1 Mature Pig	2

HOMEOWNERS' ASSOCIATION - An organization of property owners within a development established as a non-profit corporation for the ownership, administration, and maintenance of the common open space within the development. Such organizations are generally consistent with the requirements for unit owners associations found in the Pennsylvania Uniform Condominium Act 68 PA CSS31 01 et seq.

HOME OCCUPATION - An accessory use or occupation providing or offering a service which is conducted entirely within the operator's dwelling or in a building accessory thereto, which use is clearly secondary to the use of the dwelling for residential purposes and does not change the character thereof.

HORTICULTURE – The growing of fruits, vegetables, flowers, ornamental plants, shrubs and trees.

HOTEL OR MOTEL - A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Hotels may include additional uses accessory to the primary dwelling use, such as: restaurants, meeting rooms, and recreational facilities. Motels generally do not offer these additional uses and have private entry to the dwelling units from exterior doorways facing the parking lot.

IMPERVIOUS SURFACE - Any material, structure or coverage that prevents the absorption of storm water into the ground, including stone driveways and parking lots.

INCINERATOR -A device used to burn waste substances and in which all the combustion factors can be controlled; that is, temperature, retention time, turbulence, and combustion air.

INDUSTRIAL PARK - A tract of land that is planned and developed under a unified design scheme, and operated as an integrated facility for a number of individual light industrial uses regardless of ownership, either common or single and separate, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility. Heavy industrial uses shall not be a part of an industrial park.

IN HOME DAY CARE - Any premises or dwelling unit where the day care areas are being used as a family residence, either operated for profit or not for profit, in which day care is provided on a regular basis to a combined total of four to six children or adults per day other than relatives of the care giver.

INSTITUTION CENTER - A unified grouping of one or more buildings and uses of the scale and size to meet the institutional needs of the immediate neighborhood.

JOINT COMPREHENSIVE PLAN – The Comprehensive Plan of Lewis Township and Turbotville Borough adopted by resolution of Lewis Township on November 1<sup>st</sup>, 2000 and by Turbotville Borough on June 13, 2001 as amended from time to time.

JUNKYARD - As defined and regulated by Ordinance 5 and Ordinance 13 of the Lewis Township Ordinances and this Ordinance, any place, place of business or establishment maintained, used or operated for storing, accumulating, buying or selling junk on the outside of any building, edifice or structure; or, where the business of selling, buying or dealing in junk is carried on, or where three (3) or more motor vehicles are stored which are unlicensed, inoperable and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania.

LAND DEVELOPMENT – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with this ordinance.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in land.

LANDOWNER CURATIVE AMENDMENT - A proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance or map which prohibits or restricts the use or development of land in which they have an interest.

LANDSCAPE COVERAGE - The area of the lot covered by lawns, trees, plants and other natural material and decorative features; such as: sculptures, walks, fountains and wading pools.

LICENSED HOSPITAL - An institution licensed by the Commonwealth of Pennsylvania providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

LIGHTING, DIFFUSED - Illumination that passes from the source through a translucent cover or shade.

LINE, STREET - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

LIVING AREA - An area comprising no more than three (3) acres of an existing or proposed farm or no more than 1.25 acres of an Estate Lot, which may include an existing or proposed single-family residence or farmhouse, customary accessory structures, and a surrounding, manicured yard area.

LOADING SPACE - An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- A. FRONT LOT LINE (STREET LINE) A lot line separating the lot from the street right-of-way. In the case of comer lots, the lines extending along all street rights of-way shall be considered front lot lines. In the case of lot other than a corner lot that fronts on more than one (1) street, the lines extending along all street right-of-way lines are front lot lines.
- B. REAR LOT LINE A lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirety within the lot, parallel to and at a maximum distance of the front lot line or ten (10) percent of the minimum lot

width, whichever is greater. In case of corner lots, the rear lot line is the opposite and parallel to the street on which the structure fronts.

C. SIDE LOT LINE - Any lot line other than a front or rear lot line.

LOT AREA - The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street right-of-way, but Including the area of any easement.

LOT, CORNER - A lot which has an interior angle of less than 135 degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines Intersect at an angle of less than 135 degrees.

LOT, COVERAGE - The total area of all impervious surfaces on a lot (including building coverage) divided by the total lot area.

LOT DEPTH - The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

LOT, DOUBLED FRONTAGE - A lot with front and rear street frontage.

LOT, INTERIOR - A lot other than a corner lot.

LOT, PANHANDLE - A lot that is connected to a public street by a fifty (50) foot minimum wide strip of land that is part of the lot, but that is not used in determining the applicable minimum lot area requirement. Panhandle lots shall meet the applicable lot width requirements specified in the applicable zoning district at the front yard building set back line. The front yard setback shall be measured from the point where the fifty (50) foot wide strip terminates.

LOT, REVERSE FRONTAGE - A lot extending between and having frontage on, a minor arterial road and a minor street, and with vehicular access solely from the latter.

LOT, THROUGH - A lot that abuts two (2) approximately parallel streets.

LOT WIDTH - The required distance between the side property lines measured at the front setback line.

MANUFACTURING - Establishments engaged in the production, processing, cleaning, testing and distribution of materials.

MAJOR COLLECTOR ROAD - Any roadway which provides access to the county seat, larger towns or other major traffic generators, connects highways, freeways or arterial roads, and having trip length and travel densities consistent with those identified in Table 1.2 of PennDOT Publication 13M.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MINERAL RECOVERY OPERATIONS - The searching for or removal of rock, soil or minerals from the earth by excavating, stripping, mining, leveling or any other process but exclusive of excavations or grading involved in the construction of a building. Also, mineral recovery operations include any processing operations In connection with the above activities. Permitted operations must comply with all current applicable Federal, State and local regulations.

MINI- AND SELF-SERVICE STORAGE FACILITIES - A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

MINOR ARTERIAL ROAD – Any roadway which connects cities, larger towns or other major traffic generators, provides integrated interstate and intercountry service, and having trip length and travel densities consistent with those identified in Table 1.2 of PennDOT Publication 13M.

MINOR COLLECTOR ROAD - Any roadway which collects traffic from local roads, provides service and access to smaller remaining communities not services by arterial or major collector roads and having trip length and travel densities consistent with those identified in Table 1.2 of PennDOT Publication 13M.

MIXED-USE LOT - A lot which allows the mixture of one residential use with one nonresidential use, which is a residence with an office or small business.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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 LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MUNICIPAL ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Lewis Township.

MUNICIPALITIES PLANNING CODE - The Pennsylvania Municipalities Planning Code, Act of 1968, P.L.805, No. 247 as reenacted and amended, and as may be further amended.

MUNICIPALITY - The Township of Lewis, Northumberland County, Pennsylvania.

NATURE PRESERVES - Areas in which human activities are very limited and where the natural environment is protected from man-made changes.

NEIGHBORHOOD SERVICE CENTER - A unified grouping of one or more buildings and uses of the scale and size to meet the service needs of the immediate neighborhood.

NO-IMPACT HOME BASED BUSINESS – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than

25% of the habitable floor area.

H. The business may not involve any illegal activity.

NONCONFORMING LOT - A lot, the area or dimension of, which was lawful prior to the adoption or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments, heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSING / ASSISTED-LIVING HOMES - A licensed establishment, which provides fulltime convalescent care for three (3), or more Individuals who are not related by blood or marriage to the operator. A hospital shall not be construed to be Included in this definition.

OFFICIAL STREET CLASSIFICATION MAP - The map as adopted by the Board of Supervisors classifying the streets of the Township. See definition of "Street Classification". This map may be amended by resolution of the Board of Supervisors.

OFFICIAL ZONING MAP - The map as adopted by the Board of Supervisors which designates the location and boundaries of Zoning Districts.

OPEN SPACE - Any parcel or area of land or water essentially improved and set aside, dedicated, or reserved for public or private use as stipulated in this Ordinance.

OPEN SPACE RATIO - A measure of the intensity of land use. It is calculated by dividing the total amount of open space within the development by the base site area.

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

OUTDOOR STORAGE - Any materials stored outside for more than 24 hours and are accessory to the use of the property, but are not for sale or lease. Outdoor storage is differentiated two ways: bulk and non-bulk storage.

OUTDOOR TRAP, SKEET, RIFLE, PISTOL, OR ARCHERY RANGE - Any area (usually in a sportsmen's or outdoor club) in which skeet shooting, rifle shooting or archery is practiced.

OUTPATIENT MEDICAL FACILITY -Any building or group of buildings occupied by medical practitioners and related service for the purpose of providing health services to persons on an outpatient basis.

PARENT TRACT - Each tract of land held in single and separate ownership on the effective date of this Ordinance.

PARK - A tract of land, designated and used by the public for active and/or passive recreation.

PARKING - Shall mean off-street parking unless otherwise stated.

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

PERFORMANCE STANDARDS - A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

PERMIT - A document issued by the proper Township authority authorizing the applicant to undertake certain activities. Permits may include but are not necessarily limited to building permit, certificate of use and occupancy, driveway permit, sewage permit, storm water management permit, well permit and zoning permit. For the purpose of the zoning ordinance, the following permits are defined:

- A. BUILDING PERMIT A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Township Permit Officer, in accordance with the provisions of the building permit requirements or any building code which may be adopted by the Township.
- B. CERTIFICATE OF USE AND OCCUPANCY a certificate, issued by the Township Zoning Officer, verifying that the construction of a new structure and/or the alteration, expansion, or enlargement of an existing structure, has been completed in conformance with the zoning permit issued by the Township Zoning Officer authorizing such work.
- C. ZONING PERMIT A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Zoning Officer, in accordance with the Lewis Township Zoning Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations.

PERSONAL SERVICE BUSINESS - An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. These businesses do not include adult oriented businesses.

PLACES OF WORSHIP - A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including cemeteries.

PLANNING COMMISSION - The Lewis Township Planning Commission.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one or more free-standing ground, roof, or wall mounted solar arrays, modules or collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

PROPERTY LINE - Has the same meaning as "lot line."

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P. L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE - As defined by the State Municipalities Planning Code, as amended. Notice published once a week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time, place and date of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC SERVICES OFFICES AND USES - An office of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization.

PUBLIC UTILITIES - Buildings and structures necessary for the safe and efficient operation of the public utility, including communications buildings not associated with communication antennas or towers.

RECREATION, ACTIVE - Leisure4ime activities, usually of a formal nature and often performed with

others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION AREA RATIO - The measure of the amount of space per dwelling unit required for recreation activities.

RECREATION, PASSIVE - Activities that involve relatively inactive or less energetic activities, such as walking, sifting, picnicking, card games, chess, checkers, and similar table games. Passive recreation includes open space for nature walks and observations.

RECYCLED MATERIALS COLLECTION AND PROCESSING - A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products. These centers do not include transfer stations, landfills, composting facilities, resource recovery facilities or junkyards.

REPORT - Any letter, reviews, memorandum, compilation or similar writing made by anybody, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination.

RESIDENTIAL CONVERSIONS - An existing building converted into residential dwelling units in accordance with this Ordinance.

RETAIL WAREHOUSE OUTLET - An establishment engaged in the sale of Materials and goods, both durable and nondurable, as a combination of wholesale and retail trade. The outlet may be based wholly on a cooperative membership basis and not open to the general public as a club warehouse store.

RIDING SCHOOLS OR HORSE BOARDING STABLES - An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, or similar establishment.

RIGHT-OF-WAY - A public thoroughfare for vehicular traffic and/or pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, alley or however designated.

RIGHT-OF-WAY, FUTURE - Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. A right-of-way established to provide future access to or through undeveloped land.

SANITARY LANDFILL - A site for solid waste disposal utilizing a planned method of solid waste disposal and licensed and operated under the laws of the Commonwealth of Pennsylvania.

SCALE OF DEVELOPMENT -The relationship of a particular project or development, in terms of size, height, bulk, intensity and aesthetics, to its surroundings.

SCHOOL, PUBLIC OR PRIVATE PRIMARY OR SECONDARY SCHOOL - An educational institution primarily for persons between the ages of. 5 and 19 that primarily provides State-required or State-funded educational programs.

SCREENING - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SETBACK - The required horizontal distance between a setback line and a property or street line.

SETBACK, FRONT -The distance between the street line and the front setback line projected the full width of the lot; commonly called ','front yard."

SETBACK, REAR - The distance between the rear lot line and the rear setback line projected from the full width of the lot; commonly called "rear yard."

SETBACK, SIDE - The distance between the side lot line and the side setback line projected from the front yard to the rear yard; commonly called "side yard."

SEWAGE DISPOSAL SYSTEM - A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, County, State and Federal regulations.

- A. PUBLIC SEWER A municipal sanitary sewer system or a comparable common or package sanitary facility (i.e., community sewer system) approved and permitted by the Pennsylvania Department of Environmental Protection
- B. ON-LOT OR NON-PUBLIC SEWER SERVICE Any septic system or structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot in accordance with Federal, State, and local regulations. An approved PA DEP Planning Module and a Township permit are required to construct such a system.

SHOPPING CENTERS - A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage In accordance with an approved plan.

SIGN - Any permanent or temporary structure, or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag, or representation used as, or which is in the nature of an advertisement, announcement, visual communication, or direction; or is designed to attract the eye or bring the subject to the attention of the public.

- A. ADVERTISING SIGN An sign which advertises or otherwise directs attention to a commodity, business, industry, or other similar activity, which is generally sold, offered, or conducted elsewhere than on the lot upon which such sign is located.
- B. BUSINESS SIGN An on-premise sign which directs attention to a business, commodity, service, industry, or other activity, which is sold, offered or conducted on the property on which the sign is located.
- C. DIRECTLY ILLUMINATED SIGN A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign.
- D. FESTOON-LIGHTED SIGN A directly illuminated sign comprised of a group of incandescent bulbs hung or strung overhead or used to outline a structure or any part thereof.
- E. FLASHING SIGN -An illuminated sign on which the artificial light is not maintained in a stationary position and is not constant in intensity and color at all times when in use.
- F. FREESTANDING SIGN A self-supporting sign resting on the ground or supported by means of poles, standards, or other similar means in the ground. The height of freestanding signs shall be measured from the official street grade.
- G. INDIRECTLY ILLUMINATING SIGN -A sign illuminated with a light so shielded that no direct rays therefore are visible elsewhere on the lot where said illumination occurs.
- H. NONCONFORMING SIGN Any sign existing at the time of the passage of this Ordinance that does not conform In use, location, height, or size with the regulations of the district in which such sign is located 'Shall be considered a nonconforming use and may continue In such use In Its present location until replacement or rebuilding becomes necessary, at which time a permit will be required and the sign brought into conformity with this Ordinance.
- I. NON-ILLUMINATED SIGN A sign, which is not illuminated either directly or indirectly.
- J. ON-PREMISES SIGN A sign, which directs attention to an activity conducted on the same lot.
- K. OFF-PREMISES SIGN -A sign, which directs attention to an activity not conducted on the same lot.

- L. PARALLEL SIGN A sign attached, painted, or otherwise mounted parallel to a wall or other vertical building surface.
- M. PROJECTING SIGN Any sign mounted to a wall or other vertical building surface other than a parallel sign.

SITE CAPACITY - The maximum number of dwelling units, the buildable portion of the site and the minimum open space as calculated under the provisions of Table 305 -5.

SLOPE - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

SPECIAL EXCEPTION - See definition of "use".

SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.

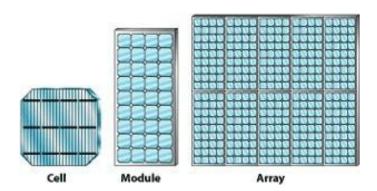
SOLAR CELL: The smallest basic solar energy device which generates electric or thermal energy when exposed to light.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

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



SOLICITOR - Unless otherwise stated, shall mean the appointed Solicitor to the Lewis Township Board of Supervisors.

STEEP SLOPES - Areas where the average slope is 20 percent or greater, which, because of this slope, are subject to high rates of storm water runoff and, therefore, erosion and flooding.

STORY - That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF - A story under a gable, hip, or gambrel roof, the wall plates of which at least two (2) opposite exterior walls are not over two feet (2') above the finished floor of such story.

STREET - Street, avenue, boulevard, road, highway, freeway, parkway, lane alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET CENTER LINE - The center of the existing street. Right-of-way or, where such cannot be determined, the center of the traveled cart way.

STREET CLASSIFICATION - The functional classification of streets, for existing streets and future streets as determined by the Township Engineer in accord with PennDOT Publication 13M.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots; commonly known as the "street right-of-way line."

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STUDIO - The workshop of an artist, sculptor, photographer, or craftsperson.

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by. any means into two (2) or more lots, tracts, parcels or other divisions of land Including changes in existing lot lines for the purpose, whether immediate or future, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION ORDINANCE -The Lewis Township Subdivision and Land Development Ordinance, as amended.

SWIMMING POOL - A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used, and maintained for swimming and bathing.

TAVERN -An establishment which serves primarily alcoholic beverages for mostly on premise consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

TEMPORARY HOUSING FOR FARM WORKERS -. Mobile home or manufactured dwellings provided on a seasonal basis to house temporary farm laborers.

TOWNSHIP - The Township of Lewis, Northumberland County, Pennsylvania.

TRACT - A parcel of land that is the subject of a development application.

TRUCK TERMINAL - An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

USE - The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained.

- A. CONDITIONAL USE A use permitted In a particular zoning district upon showing that such use in a specified location will comply with all conditions and standards for the location or operation of the use as specified In this Ordinance and authorized by the Lewis Township Board of Supervisors.
- B. SPECIAL EXCEPTION USE A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all conditions and standards for the location or operation of the use as specified in this Ordinance and authorized by the Lewis Township Zoning Hearing Board.

USE PERMITTED BY RIGHT - A use permitted in a particular zoning district upon showing that such use in a specified location will comply with the district regulations for the location or operation of the use as

specified and authorized in this Ordinance. These uses shall include conditional uses and special exception uses in accordance with the above definitions and meeting the conditions set forth in this Ordinance and authorized by the approving body.

VARIANCE – Relief granted pursuant to the provisions of this ordinance and the Municipalities Planning Code, as amended.

VEGETATIVE COVERAGE -The area of the lot covered by lawns, plants, shrubs and trees.

VEHICLE FUELING STATION -A building where gasoline is sold, where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections.

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

VEHICLE SALES - A building or area used for outdoor or indoor display, sale, lease or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, utility trailers, boats, or transportable mobile/manufactured homes in a livable condition.

VEHICLE WASHING FACILITY - A building designed and used primarily for the washing and polishing of vehicles and which may provide accessory services related to washing and polishing.

VETERINARIAN FACILITIES AND ANIMAL HOSPITALS - A place where animals are given medical care and the boarding, of animals is limited to short-term care incidental to hospital use.

VILLAGE CENTER – a district to established to encourage the development pattern of the Township's traditional businesses and residences co-existing.

WAREHOUSE - A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials.

WATER FACILITY - Any water works, water supply works, water distribution system, or part thereof designed, intended or constructed to provide or distribute potable water. (For permitting of community and non-community water systems definitions shall be consistent with the Department of Environmental Protection Chapter 109 regulations).

- A. WATER DISTRIBUTION SUPPLY SYSTEM, CENTRALIZED A public or private utility system designed to transmit potable water from a common source to customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever may be more stringent.
- B. WATER DISTRIBUTION SUPPLY SYSTEM, COMMUNITY A system for applying and distributing water from a common source for two or more dwellings and/or other buildings within a single neighborhood.

WATER DISTRIBUTION SUPPLY SYSTEM, ON-SITE - A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

WETLAND MARGIN - The wetland margin shall extend 50 feet from the wetland boundary or to the limit of the hydric soils, whichever Is less.

WETLANDS - Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetland areas listed in the State

Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any wetland area designated by a river basin commission.

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

WILDLIFE REFUGE - A publicly or privately owned natural area established and/or maintained as a protective habitat for plants and animals.

YARD - An open space that lies between the principal building or buildings and the nearest lot or street line. The minimum required yard as set forth in this Ordinance is unoccupied and unobstructed from the ground up except as may be specifically provided in the Ordinance.

YARD BUFFER - A strip of land, free of any principal or accessory building or required improvement other than screening to physically separate one incompatible use from another and as illustrated in the Lewis Township Subdivision and Land Development Ordinance.

YARD, EXTERIOR - An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.

YARD, FRONT - An area within the minimum setback between the street line (as defined by this Ordinance) and the closest portion of the subject structure or use. This yard area shall extend the full width of the lot from one side lot line to the other side lot line. In the case of a comer lot, the yards extending along a street right-of-way lines are front yards. In the case of a lot other than a corner lot that fronts on more than one (1) street, the yards extending along all street right-of-way lines are front yards. No accessory or principal building shall extend into the required front yard.

YARD, REAR - An area extending the full-width of the lot and situated between the rear lot line (as defined by this Ordinance) and the closest portion of the subject building or use, and stretching between the side lot lines parallel to the rear lot line. In the case of a corner lot, the yard opposite from a parallel to the street on which the structure fronts shall be considered the rear yard.

YARD, SIDE - An area situated between the closest portion of the subject building and the entire length of the side lot line (as defined by this Ordinance), and extending from the front lot line. to the rear lot line.

ZONING MAP - The Official Zoning Map of Lewis Township adopted under the Lewis Township Zoning Ordinance, together with all amendments thereto subsequently adopted.

ZONING OFFICER - The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

ZONING ORDINANCE - The Lewis Township Zoning

## **ARTICLE III**

## **District Regulations**

### **ARTICLE III - DISTRICT REGULATIONS**

## 300. Designation of Districts

- A. Establishment of Districts. Lewis Township is divided into districts enumerated below and shown on the map entitled "Zoning Map of Lewis Township", which map is part of this Ordinance:
  - 1. Agricultural (A)
  - 2. Commercial (C)
  - 3. Industrial (I)
  - 4. Residential (R)
  - 5. Rural Residential (RR)
- B. Boundaries of Districts. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
  - Boundaries indicated as approximately following the centerlines of streets or highways shall be construed to follow such centerline.
  - Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - 3. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
  - 4. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
  - Boundaries indicated as parallel to or extensions of features indicated in sub-section (1) through
     (4) shall be so construed. Distances not specifically Indicated on the official zoning map shall be determined by the scale of the map, unless the boundaries are indicated by dimensions.
  - 6. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstance not covered above, the Zoning Officer shall determine the district boundaries; however, said determination may be appealed to the Zoning Hearing Board.

## C. Permitted Uses.

- 1. The uses permitted by this-Ordinance are as shown in the zoning districts. The uses shown as permitted in each district are the only uses permitted in that district and all other uses are subject to subsection D below.
- 2. Unless otherwise noted, the extent-of-use are the dimensional requirements for each use. However, additional or special extent-of use requirements for certain uses and structures are set forth later in the Ordinance.
- D. All Other Uses. Any use not specifically allowed elsewhere in the Ordinance shall be allowed by special exception in the district or districts where and to the extent that similar uses are permitted or allowed by special exception provided that said use meets the general requirements for a special exception according to this Ordinance and does not constitute a public or private nuisance.

- E. Applicability. The following statements shall apply unless otherwise provided by law or in this Ordinance.
  - 1. No building, structure or land in each district shall be used or occupied except for the express purposes specified for each district.
  - 2. Uses, structures and lots existing at the time of passage of this Ordinance and not in full compliance with the provisions of this Ordinance shall comply with the applicable provisions of this Ordinance.

## 301. Agricultural (A)

## A. Purpose.

The Agricultural (A) Zone seeks to protect environmentally sensitive areas and preserve green contiguous open spaces of the Township that also have significant value for human and natural life. Specifically, forested areas, steep slopes, stream and creek valleys, lakes and floodplains are included. Permitted uses within this Zone encourage the most appropriate conservation/recreation activities for these areas. The District intent is to use a conservation subdivision design approach to conserve large contiguous tracts of land that prioritize conserving environmentally sensitive areas. The Township hereby promotes conservation minded housing development concepts that utilize cluster design dwelling unit layout.

## B. Permitted Uses:

- 1. Accessory Apartments. (401)
- 2. Accessory Solar Energy Systems (612)
- 3. Adult or child day-care center or nursery school. (403)
- 4. Age restricted Planned Residential Developments. (404)
- 5. Agricultural Business (481)
- 6. Agricultural worker family housing. (406)
- 7. Agriculture (201)
- 8. Animal Hospital or veterinary clinic. (408)
- 9. Animal Husbandry. (409)
- 10. Cluster housing development. (416)
- 11. Commercial greenhouse and nursery. (419)
- 12. Convalescent home or nursing home. (425)
- 13. Farm equipment sales and service. (428)
- 14. Golf courses. (430)
- 15. Home Animal Agriculture. (201)
- 16. Home occupation.
- 17. Lawn and garden equipment and supplies sales and service. (441)
- 18. Mini-storage facility. (443)
- 19. No-Impact home based business. (447)
- 20. Nonconforming, expansion of. (448)
- 21. Park or other open space area of a nonprofit nature. (451)
- 22. Permanent agricultural roadside stands. (452)
- 23. Placement of a temporary roadside stand (201)
- 24. Places of Worship. (454)
- 25. Processing of farm products and warehousing, sale or service of equipment, feed or supplies in the Agricultural Zone. (457)
- 26. Riding schools and horse boarding stables. (467)
- 27. Rural Occupations. (468)
- 28. Sawmills. (471)
- 29. Single Family Residence.
- 30. Accessory uses customarily incidental to the above permitted uses.

## C. Conditional Uses:

1. Airport and/or land strip. (407)

- 2. Continuing care retirement community (CRRC). (426)
- 3. Heliport. (432)
- 4. Mineral recovery operations, quarries and other extractive-related uses. (442)
- 5. Mobile home park. (444)
- 6. Outdoor commercial recreational establishment. (449)
- 7. Principal Solar Energy Systems (612)
- 8. Principal Waste Handling Facilities. (456)
- 9. Public buildings. (458)
- 10. Public utility buildings and/or service structure. (459)
- 11. Resort lodge. (463)
- 12. Sanitary Landfill or Incinerator. (470)

## D. Special Exception Uses:

- 1. Agribusiness (405)
- 2. Campground. (412)
- 3. Cemetery. (414)
- 4. Club room, club grounds, meeting hall. (415)
- 5. Commercial camps and resorts. (417)
- 6. Commercial Livestock Operation (420)
- 7. Communication towers and communication antennas with associated communication equipment buildings. (423)
- 8. Community Center. (424)
- 9. Generator/Electric generating building. (429)
- 10. Hospitals and related uses. (435)
- 11. Kennels. (440)
- 12. Outdoor trap, skeet rifle, pistol or archery range. (450)
- 13. Planned golf community. (455)
- 14. Recycling collection center. (460)
- 15. Schools. (472)
- 16. Wind Energy Conversion Systems (Non-Public). (480)

Uses designated as Special Exception are reviewed by the Lewis Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Lewis Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

## E. Site Requirements:

1. No more than one principal use shall be allowed on each lot.

## F. Lot Area and Dimensional Requirements

- 1. Maximum density:
  - a. The number of acres of non-agricultural development permitted in the Agricultural District after December 4, 2019 shall be based on the size of the Parent Tract in accord with the following schedule and standards.

Size (Acres)	Total Number of acres
Of Parent Tract	of Non-Agricultural
As of December 4, 2019	Development Permitted
1 – 5 acres	1
(greater than) 5 up to 15	2
15 up to 30	3
> 30 up to 50	4
> over 50	5 acres plus 1 acre for each

## 2. Lot dimension requirements:

- a. Minimum lot size: One (1) acre.
- b. Minimum lot width: One Hundred Fifty (150) feet.
- c. Minimum Lot Size for Agricultural Use: 25 Acres
- d. The owner shall consider using the least agriculturally productive land feasible, so as to minimize interference with agricultural production on prime agricultural lands (USDA Class I, II, and III).
- e. As noted in Section 301:F(1)(a), the lot size (acres) existing in the parent tract equals the number of acres based on the deed description on file as of December 4, 2019. For deeds that contain as of December 4, 2019 multiple tract or parcel descriptions, each separate tract or parcel is considered to be a Parent Tract. For purposes of this provision, roads, alleys, streets, highways, natural or manmade boundaries and tax map parcels are disregarded for determining the parent tract size.
- f. Owners of the parent tract are urged to consider techniques to minimize the effects of new non-agricultural development on agricultural operations including least productive soils, maximizing distance from livestock operations, contiguous lot placement using a common access, or other methods. In addition, innovative arrangements involving clustering of units and DEP approved sewage disposal alternatives may be considered when suitable arrangements are implemented by the applicant.

## 3. Subdivision Plan Considerations for Agricultural District

- a. Lots shall not be separated from the parent tract unless in compliance with the following:
  - A tabulation shall be provided on the subdivision plan indicating the size of the parent tract as of December 4, 2019. In addition the tabulation shall indicate acres previously conveyed (since December 4, 2019), acres proposed by the current subdivision plan and the residual acres of nonagricultural development remaining based on the size of the parent tract.
  - 2) Add-on subdivisions involving agriculture or agricultural operations in which no new non-agricultural development is created shall not be counted against the number of acres of non-agricultural development permitted to be created under Section 301:F(1)(a). However, a property owner submitting a subdivision plan for any purpose involving agriculture or an agricultural operation will be required to specify on his plan which lot or lots carry with them to erect or place any unused quota of acres for non-agricultural development his tract may have.
  - 3) The property owner shall also be required to assign for each lot created for a new agricultural operation or agricultural enterprise at least one acre for a farm dwelling and to demonstrate that the lot can be approved as a location for the placement of a farm dwelling unit unless the lot is being permanently merged with another parcel which has either an existing dwelling or the right to erect or place at least one dwelling.
  - 4) The notation below shall be affixed to all subdivision plans and to deeds for newly created parcels involving non-agricultural development created under Section 301:F(1)(a).
- G. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
  - 1. Front yard: Thirty-five (35) feet.
  - 2. Side yard: Thirty (30) feet.
  - 3. Rear yard: Forty (40) feet.
  - 4. All wells shall be set back from any property line a minimum of fifty (50) feet.
  - 5. Structures housing animals shall be 100 feet from any property line and/or public road right-of-way.

## H. Maximum permitted height:

- 1. Principal structures: 35 feet
- 2. Accessory structure: 25 feet
- 3. Agricultural structures: 60 feet provided all structures are set back a distance at least equal to their height from all property lines.
- I. Access drives; storm water management plans; and parking lots. Lewis Township requires all developers design access drives, storm water management facilities and parking lots that can be jointly used by adjacent land uses. Appropriate maintenance agreements shall be established at the time of land development.
- J. Sharing of the driveways and storm water management and parking facilities are encouraged with the appropriate maintenance agreements established at the time of land development.
- K. Sign Requirements: Signs shall be permitted in accordance with Article VIII of this Ordinance.

## L. General regulations.

1. In addition to the District regulations, this Ordinance contains additional provisions, which apply to all uses in the Township.

## 302. Commercial (C)

## A. Purpose:

The primary purpose of the Commercial (C) Zone is to promote a compatible range of light industrial, office and neighborhood commercial activities that will contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. Lot sizes, specific setbacks, landscape requirements are imposed upon business sites and outdoor storage areas to protect adjoining properties to provide an attractive site appearance. All development shall minimize intrusion on the features of the natural environment including woodlands, wetlands and steep slopes, preserving scenic views and vistas while allowing flexibility in design.

## B. Permitted Uses:

- 1. Accessory Solar Energy Systems (612)
- 2. Adult or child day-care center or nursery school. (403)
- 3. Agricultural Business (481)
- 4. Animal hospital or veterinary clinic. (408)
- 5. Automobile, Bus, Boat, Motorcycle, Snowmobile, Trailer, Manufactured Home, Truck, Farm and Excavation Machinery, and Heavy Equipment Sales and Service Facilities. (410)
- 6. Bed-and-breakfast inn. (411)
- 7. Car Washes. (413)
- 8. Club room, club grounds, meeting hall. (415)
- 9. Community Center. (424)
- 10. Health and Fitness Clubs. (431)
- 11. Home Improvement and Building Supply Stores. (433)
- 12. Mini-storage facility. (443)
- 13. Nonconformity, expansion of. (448)

- 14. Outdoor commercial recreational establishment. (449)
- 15. Permanent agricultural roadside stands. (452)
- 16. Personal service business or professional or business office. (453)
- 17. Placement of a temporary roadside stand (201)
- 18. Places of Worship. (454)
- 19. Research laboratory. (462)
- 20. Restaurants. (464)
- 21. Restaurant, drive-through and/or fast-food. (465)
- 22. Retail Sales, Rental or Both. (466)
- 23. Sale of Agricultural Products Not Produced on the Premises. (469)
- 24. Truck and Motor Freight Terminal (476)
- 25. Vehicle rental, sales, service and/or repair facility. (478)
- 26. Warehousing and Wholesale Trade Establishments. (479)
- 27. Accessory uses customarily incidental to the above permitted uses.

### C. Conditional Uses:

- 1. Commercial Recreation/Amusement Facilities. (422)
- 2. Dry Cleaners, Laundries and Laundromats. (427)
- 3. Generator/Electric Generating Building. (429)
- 4. Lawn and Garden Equipment and Supplies Sales and Service. (441)
- 5. Hotels, Motels and Similar Lodging Facilities. (436)
- 6. Public buildings. (458)
- 7. Public utility buildings and/or service structure. (459)
- 8. Tavern. (475)

### D. Special Exception Uses:

- 1. Commercial Conversions. (418)
- 2. Commercial Parking Lot. (421)
- 3. Hospitals and Related Uses. (435)
- 4. Multifamily dwelling(s). (445)
- Multi-Family Residential Conversion. (446)
- 6. Recycling collection center. (460)
- 7. Rehab Facilities. (461)
- 8. Schools. (472)
- 9. Service station or convenience store dispensing fuel. (473)
- 10. Shopping center or mall. (474)

Uses designated as Special Exception are reviewed by the Lewis Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Lewis Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

### E. Minimum Lot Area Requirements:

- 1. Lots served by public water and public sewer: 10,000 square feet.
- 2. Lots served by public water or public sewer: 30,000 square feet.
- 3. Lots served by neither public water nor public sewer: 43,560 square feet.
  - a. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes shall be increased to accommodate an approvable on-lot septic system with a replacement area.

### F. Lot Dimension and Building Setback Requirements:

- 1. Minimum lot width: Eighty (80) feet.
- 2. Minimum front yard setback: Twenty (20) feet.
- 3. Minimum side yard setback: Fifteen (15) feet.
- 4. Minimum rear yard setback: Twenty (20) feet.
- 5. Maximum impervious lot coverage: Seventy Five (75) percent.
- 6. At least twenty five (25) percent of the lot area shall be maintained with a vegetative cover and landscaping.

### G. Maximum Permitted Building Height:

used jointly by adjacent land uses.

- 1. Principle structures: Thirty-five (35) feet.
- 2. Accessory structures: Twenty-Five (25) feet.
- 3. Agricultural structures: Sixty feet (60') provided all structures are set back a distance at least equal to their height from all property lines.

### H. Site and use requirements:

- 1. The parking lot shall be designed in accordance with the landscaping and buffering standards of the Lewis Township Subdivision and Land Development Ordinance.
- 2. Outdoor refuse and dumpster areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be a minimum of five (5) feet in height and shall be located in the rear yard.
- 3. Buffer yard and screening requirements shall be provided at the lot line of all nonresidential properties that abut residential uses or an adjacent residential district.
- 4. A sound barrier is required for all exterior utilities that abut residential uses or an adjacent residential district.
- 5. No more than one principal use shall be allowed on each lot.
- I. Driveways; storm water management plans; and parking lots: The joint use of access drives, storm water management facilities and parking lots are encouraged and appropriate maintenance agreements shall be established at the time of land development. The Board of Supervisors may require owners/developers to design these facilities so that they may be
- J. Sign Requirements: Signs shall be permitted in accordance with Article VIII, of this Ordinance.
- K. Agricultural Nuisance Disclaimer. Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to nose, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.

### L. General regulations:

1. In addition to the District regulations, this Ordinance contains additional provisions, which apply to all uses in the Township.

## 303. Industrial (I)

### A. Purpose:

The primary purpose of the Industrial (I) District is to provide an area of the Township suitable for intense industrial activities that will contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. Lot sizes, specific setbacks, landscape requirements are imposed upon industrial and business sites and outdoor storage areas to protect adjoining properties to provide an attractive site appearance. All development shall minimize intrusion on the features of the natural environment including woodlands, wetlands and steep slopes, while allowing flexibility in design. All heavy industrial uses shall be subject to state and federal environmental regulatory requirements.

### B. Permitted Uses:

- 1. Accessory Solar Energy Systems (612)
- 2. Automobile, Bus, Boat, Motorcycle, Snowmobile, Trailer, Manufactured Home, Truck, Farm and Excavation Machinery, and Heavy Equipment Sales and Service Facilities. (410)
- 3. Industrial Uses. (438)
- 4. Nonconformity, expansion of. (448)
- 5. Placement of a temporary roadside stand (201)
- 6. Recycling collection center. (460)
- 7. Research laboratory. (462)
- 8. Truck or motor freight terminal. (476)
- 9. Accessory uses customarily incidental to the above permitted uses.

### C. Conditional Uses:

- 1. Adult-oriented facility. (402)
- 2. Generator/Electric Generating Building. (429)
- 3. Junkyard; automobile dismantling plant. (439)
- 4. Public buildings. (458)
- 5. Public utility buildings and/or service structure. (459)

### D. Special Exception Uses:

- 1. Commercial Parking Lot. (421)
- 2. Industrial / Business Park. (437)

Uses designated as Special Exception are reviewed by the Lewis Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Lewis Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

# E. Lot Area Requirements:

- 1. Lots served by public water and public sewer: Twenty-Thousand (20,000) square feet
- 2. Lots served by public water or public sewer: One (1) acre
- 3. Lots served by neither public water nor public sewer: Two (2) acres
  - a. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes shall be increased to accommodate an approvable on-lot septic system with a replacement area

# F. Lot Dimension Requirements:

1. Minimum lot width: One-Hundred (100) feet

- 2. Minimum front yard setback: Twenty-Five (25) feet
- 3. Minimum side yard setback: Twenty (20) feet
- 4. Minimum rear yard setback: Twenty-Five (25) feet
- 5. Where a heavy industrial use abuts a use or district other than heavy industrial, the following setbacks are required:
  - a. Minimum front yard setback: Fifty (50) feet
  - b. Minimum side yard setback: Twenty-Five (25) feet
  - c. Minimum rear yard setback: Fifty (50) feet
- 6. Maximum lot coverage: Sixty (60) percent
- 7. At least Forty (40) percent of the lot area shall be maintained with a vegetative cover and landscaping
- G. Maximum Permitted Height (excluding communication antennas):
  - 1. Principle structures: Forty (40) feet.
  - 2. Accessory structures: Thirty (30) feet.
  - 3. Agricultural Structures: Sixty (60) feet provided all structures are set back a distance at least equal to their height from all property lines

### H. Site and use requirements:

- 1. The parking lot shall be designed in accordance with the landscaping and buffering standards of the Lewis Township Subdivision and Land Development Ordinance.
- 2. Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be at least six (6) feet high.
- 3. A buffer yard and screening in accordance with the Township Subdivision and Land Development Ordinance shall be provided at the lot line of all nonresidential properties abutting a residential use or district.
- 4. Sharing of the access driveways and storm water management and parking facilities are encouraged with the appropriate maintenance agreements established at the time of land development.
- 5. No more than one principal use shall be allowed on each lot.
- I. Sign Requirements: Signs shall be permitted in accordance with Article VIII of this Ordinance.
- J. Agricultural Nuisance Disclaimer: Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to nose, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.

### K. General regulations:

1. In addition to the District regulations, this Ordinance contains additional provisions, which apply to all uses in the Township.

## 304. Residential (R)

A. Purpose. The purpose of this Zone is to accommodate new residential lots and residential neighborhoods within the Township. All development shall have minimal intrusion on the land's of natural and environmental features including woodlands, streams and stream valleys, open space, floodplains, wetlands and steep slopes. The R District promotes residential unit diversity and allows flexibility in dwelling unit layout and site design that ultimately maintains the rural character of Lewis Township.

### B. Permitted Uses:

- 1. Accessory Apartment. (401)
- 2. Accessory Solar Energy Systems (612)
- 3. Cluster housing development. (416)
- 4. Home Animal Agriculture. (201)
- 5. Home occupation. (434)
- 6. Horticulture (201)
- 7. Multifamily dwelling(s). (445)
- 8. No-Impact Home-Based Business. (447)
- 9. Nonconformity, expansion of. (448)
- 10. Park or other open space area of a nonprofit nature. (451)
- 11. Placement of a temporary roadside stand (201)
- 12. Places of Worship. (454)
- 13. Single Family Residence.
- 14. Two-Family Dwelling Unit Structures. (477)
- 15. Accessory uses customarily incidental to the above permitted uses.

### C. Conditional Uses:

- 1. Generator/Electric Generating Building. (429)
- 2. Public buildings. (458)
- 3. Public utility buildings and/or service structure. (459)

### D. Special Exception Uses:

- 1. Adult or child day-care center or nursery school. (403)
- 2. Multi-Family Residential Conversion. (446)
- 3. Schools. (472)

Uses designated as Special Exception are reviewed by the Lewis Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Lewis Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

### E. Site Requirements:

1. No more than one principal use shall be allowed on each lot.

### F. Minimum Lot Area Requirements:

- 1. Lots served by public water and public sewer: Ten Thousand (10,000) square feet.
- 2. Lots served by public sewer: Thirty Thousand (30,000) square feet.
- 3. Lots served by neither public water nor public sewer: One (1) acre.
  - a. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests and soil nitrates in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot

sizes shall be increased to accommodate an approvable on-lot septic system with a replacement area.

# G. Unit Layout and Lot Dimension Requirements:

### 1. Unit Layout:

- a. All residential neighborhood development plans shall undergo conceptual planning and are mandated to organize their development proposal in the following layout process:
  - 1) Provide maps that exhibit all existing conditions on the proposed development lot.
  - 2) Locate all utilities and access roadways showing minimal impacts to the existing environment. Underground utilities should be utilized wherever possible.
  - Locate all neighborhood housing units in close proximity to one another within the developable lands in the tract. The units shall be sited directly next to the planned infrastructure and access roads.
  - 4) A neighborhood development plan shall be provided to the Township including the unit layout, height, building materials, size and plan for neighborhood pedestrian circulation. Unit diversity should be described and shown in the neighborhood development plan.
  - 5) Large planned residential neighborhoods containing 25 or more units shall contain recreation provisions including connected pedestrian pathways throughout the entire neighborhood, and age appropriate public recreation facilities.
  - 6) Neighborhood(s) interconnectivity shall be shown on all concept plans. Interconnectivity includes pedestrian and bike pathways. Sidewalks are required for residential developments proposing average lot sizes less than 15,000 square feet.
  - 7) Pedestrian-scale lighting plans and details shall be provided on the concept plans.
  - 8) New neighborhood development plans shall preserve the open space views along existing Township roadways. This requires lands set aside for permanent preservation.
  - 9) A gateway (neighborhood entrance access area) landscaping plan is required as part of the land development plan submission process.
  - 10) Landscaping plans are also required for all public lands and areas within the neighborhood development plan.

### 2. Lot dimensions requirements:

Units served by public water and public sewer:

- a. Minimum lot width: Seventy-Five (75) feet.
- b. Minimum front yard setback: Ten (10) feet.
- c. Minimum side yard setback: Ten (10) feet.
- d. Minimum rear yard setback: Twenty (20) feet.
- e. Maximum lot coverage (both structure and impervious surfaces): Fifty (50) percent.
- f. At least fifty (50) percent of the lot area shall be maintained with a vegetative cover and landscaping.

### 3. Lots served by public sewer:

- a. Minimum lot width: One Hundred Twenty (120) feet.
- b. Minimum front yard setback: Ten (10) feet.
- c. Minimum side yard setback: Fifteen (15) feet.
- d. Minimum rear yard setback: Twenty-Five (25) feet.
- e. Maximum lot coverage (both structure and impervious surfaces): Forty-Five (45) percent.
- f. At least Fifty-Five (55) percent of the lot area shall be maintained with a vegetative cover and landscaping.

# 4. Lots served by neither public water nor public sewer:

- a. Minimum lot width: One Hundred Twenty (120) feet.
- b. Minimum front yard setback: Ten (10) feet.
- c. Minimum side yard setback: Twenty (20) feet.
- d. Minimum rear yard setback: Thirty (30) feet.
- e. Maximum lot coverage: Forty (40) percent.

f. At least Sixty (60) percent of the lot area shall be maintained with a vegetative cover and landscaping.

# H. Maximum Permitted Height.

- 1. Principle structures: Thirty-five feet (35').
- 2. Accessory structures: Twenty-five feet (25').
- 3. Agricultural Structures: Sixty feet (60') provided all structures are set back a distance at least equal to their height from all property lines.
- I. Sign Requirements:

Signs shall be permitted in accordance with Article VIII of this Ordinance.

J. Agricultural Nuisance Disclaimer: Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to nose, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.

# K. General regulations:

1. In addition to the District regulations, this Ordinance contains additional provisions, which apply to all uses in the Township.

### 305. Rural Residential (RR)

A. Purpose. The purpose of this Zone is to accommodate new residential lots and residential neighborhoods within the Township. All development shall have minimal intrusion on the land's of natural and environmental features including woodlands, streams and stream valleys, open space, floodplains, wetlands and steep slopes. The RR District promotes residential unit diversity and allows flexibility in dwelling unit layout and site design that ultimately maintains the rural character of Lewis Township.

### B. Permitted Uses:

- 1. Accessory Apartment. (401)
- 2. Accessory Solar Energy Systems (612)
- 3. Age-Restricted Planned Residential Developments. (404)
- 4. Agricultural Business (481)
- 5. Bed and Breakfast Inn. (411)
- 6. Cluster housing development. (416)
- 7. Golf Courses. (430)
- 8. Home Animal Agriculture. (201)
- 9. Home occupation. (434)
- 10. Multifamily dwelling(s). (445)
- 11. No-Impact Home-Based Business. (447)
- 12. Nonconformity, expansion of. (448)
- 13. Park or other open space area of a nonprofit nature. (451)
- 14. Permanent agricultural roadside stands. (452)
- 15. Placement of a temporary roadside stand (201)
- 16. Places of Worship. (454)
- 17. Riding schools and horse boarding stables. (467)
- 18. Single Family Residence.
- 19. Accessory uses customarily incidental to the above permitted uses.

### C. Conditional Uses:

- 1. Agriculture (201)
- 2. Communication towers and communication antennas with associated communication equipment buildings. (423)
- 3. Continuing care retirement community (CCRC). (426)
- 4. Generator/Electric Generating Building. (429)
- 5. Public buildings. (458)
- 6. Public utility buildings and/or service structure. (459)

# D. Special Exception Uses:

- 1. Adult or child day-care center or nursery school. (403)
- 2. Cemetery. (414)
- 3. Convalescent home or nursing home. (425)
- 4. Planned golf community.(455)
- 5. Schools. (472)

Uses designated as Special Exception are reviewed by the Lewis Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Lewis Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

### E. Site Requirements:

1. No more than one principal use shall be allowed on each lot.

### F. Minimum Lot Area Requirements:

- 1. Lots served by public water and public sewer: Fifteen Thousand (15,000) square feet.
- Lots served by public water or public sewer: Thirty-Five Thousand (35,000) square feet.
- 3. Lots served by neither public water nor public sewer: One (1) acre.
  - a. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests and soil nitrates in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes shall be increased to accommodate an approvable on-lot septic system with a replacement area.

# G. Unit Layout and Lot Dimension Requirements:

### 1. Unit Layout:

- All residential neighborhood development plans shall undergo conceptual planning and are mandated to organize their development proposal in the following layout process:
  - 1) Provide maps that exhibit all existing conditions on the proposed development lot.
  - 2) Locate all utilities and access roadways showing minimal impacts to the existing environment. Underground utilities should be utilized wherever possible.
  - Locate all neighborhood housing units in close proximity to one another within the developable lands in the tract. The units shall be sited directly next to the planned infrastructure and access roads.
  - 4) A neighborhood development plan shall be provided to the Township including the unit layout, height, building materials, size and plan for neighborhood pedestrian circulation. Unit diversity should be described and shown in the neighborhood development plan.

- 5) Large planned residential neighborhoods containing 25 or more units shall contain recreation provisions including connected pedestrian pathways throughout the entire neighborhood, and age appropriate public recreation facilities.
- 6) Neighborhood(s) interconnectivity shall be shown on all concept plans. Interconnectivity includes pedestrian and bike pathways. Sidewalks are required for residential developments proposing average lot sizes less than 15,000 square feet.
- 7) Pedestrian-scale lighting plans and details shall be provided on the concept plans.
- 8) New neighborhood development plans shall preserve the open space views along existing Township roadways. This requires lands set aside for permanent preservation.
- 9) A gateway (neighborhood entrance access area) landscaping plan is required as part of the land development plan submission process.
- 10) Landscaping plans are also required for all public lands and areas within the neighborhood development plan.

### 2. Lot dimensions requirements:

Units served by public water and public sewer:

- a. Minimum lot width: One Hundred (100) feet.
- b. Minimum front yard setback: Twenty (20) feet.
- c. Minimum side yard setback: Twenty (20) feet.
- d. Minimum rear yard setback: Twenty-Five (25) feet.
- e. Maximum lot coverage (both structure and impervious surfaces): Fifty (50) percent.
- f. At least fifty (50) percent of the lot area shall be maintained with a vegetative cover and landscaping.

### 3. Lots served by public water or public sewer:

- a. Minimum lot width: One Hundred Fifty (150) feet.
- b. Minimum front yard setback: Twenty (20) feet.
- c. Minimum side yard setback: Twenty-Five (25) feet.
- d. Minimum rear yard setback: Thirty (30) feet.
- e. Maximum lot coverage (both structure and impervious surfaces): Forty (40) percent.
- f. At least Sixty (60) percent of the lot area shall be maintained with a vegetative cover and landscaping.

### 4. Lots served by neither public water nor public sewer:

- a. Minimum lot width: Two Hundred (200) feet.
- b. Minimum front yard setback: Twenty (20) feet.
- c. Minimum side yard setback: Thirty (30) feet.
- d. Minimum rear yard setback: Thirty-Five (35) feet.
- e. Maximum lot coverage: Thirty (30) percent.
- At least Seventy (70) percent of the lot area shall be maintained with a vegetative coverand landscaping.

# H. Maximum Permitted Height.

- 1. Principle structures: Thirty-five feet (35').
- 2. Accessory structures: Twenty-five feet (25').
- 3. Agricultural Structures: Sixty feet (60') provided all structures are set back a distance at least equal to their height from all property lines.
- 4. School Structures: Principle and Accessory: Sixty (60) feet. Plans are required to be submitted to the local fire chief for review and recommendation regarding safety.

### I. Sign Requirements:

Signs shall be permitted in accordance with Article VIII of this Ordinance.

J. Agricultural Nuisance Disclaimer: Some of the lands within this Zone are located within an areawhere land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to nose, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.

### K. General regulations:

1. In addition to the District regulations, this Ordinance contains additional provisions, which apply to all uses in the Township.

### 306. Village Center (VC)

A. Purpose. The purpose of this Zone is to accommodate new residential lots and residential neighborhoods within the Township. All development shall have minimal intrusion on the land's of natural and environmental features including woodlands, streams and stream valleys, open space, floodplains, wetlands and steep slopes. The VC District promotes residential unit diversity and allows flexibility in dwelling unit layout and site design that ultimately maintains the rural character of Lewis Township.

### B. Permitted Uses:

- 1. Accessory Apartment. (401)
- 2. Accessory Solar Energy Systems (612)
- 3. Adult or child day-care center or nursery school. (403)
- 4. Animal Hospital or Veterinary Clinic. (408)
- 5. Bed and Breakfast Inn. (411)
- Car Washes. (413)
- 7. Club room, club grounds, meeting hall. (415).
- 8. Cluster housing development. (416)
- 9. Community Center. (424).
- 10. Home occupation. (434)
- 11. Horticulture (201)
- 12. Lawn and Garden Equipment and Supplies Sales and Service. (441)
- 13. No-Impact Home-Based Business. (447)
- 14. Nonconformity, expansion of. (448)
- 15. Placement of a temporary roadside stand (201)
- 16. Places of Worship. (454)
- 17. Permanent agricultural roadside stands. (452)
- 18. Personal service business or professional or business office. (453)
- 19. Restaurants. (464)
- 20. Retail Sales, Rental or Both. (466)
- 21. Rural Occupations. (468)
- 22. Sale of Agricultural Products Not Produced on the Premises. (469)
- 23. Single Family Residence.
- 24. Two-Family Dwelling Unit Structures. (477)
- 25. Accessory uses customarily incidental to the above permitted uses.

### C. Conditional Uses:

- 1. Continuing care retirement community (CCRC). (426)
- 2. Dry Cleaners, Laundries and Laundromats. (427)
- 3. Generator/Electric Generating Building. (429)
- 4. Health and Fitness Clubs. (431)
- 5. Public buildings. (458)

6. Public utility buildings and/or service structure. (459)

# D. Special Exception Uses:

- 1. Commercial Conversions. (418)
- 2. Multifamily dwellings(s). (445)
- 3. Multi-Family Residential Conversion. (446)
- 4. Schools. (472)

Uses designated as Special Exception are reviewed by the Lewis Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Lewis Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

### E. Minimum Lot Area Requirements:

- 1. Lots served by public water and public sewer: 10,000 square feet.
- 2. Lots served by public water or public sewer: 30,000 square feet.
- 3. Lots served by neither public water nor public sewer: 43,560 square feet.
  - a. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes shall be increased to accommodate an approvable on-lot septic system with a replacement area.

# F. Lot Dimension and Building Setback Requirements:

- 1. Minimum lot width: Eighty (80) feet.
- 2. Minimum front yard setback: Twenty (20) feet.
- 3. Minimum side yard setback: Fifteen (15) feet.
- 4. Minimum rear yard setback: Twenty (20) feet.
- 5. Maximum impervious lot coverage: Seventy Five (75) percent.
- 6. At least twenty five (25) percent of the lot area shall be maintained with a vegetative cover and landscaping.

### G. Maximum Permitted Building Height:

- 1. Principle structures: Thirty-five (35) feet.
- 2. Accessory structures: Twenty-Five (25) feet.
- 3. Agricultural structures: Sixty feet (60') provided all structures are set back a distance at least equal to their height from all property lines.

### H. Site and use requirements:

- 1. The parking lot shall be designed in accordance with the landscaping and buffering standards of the Lewis Township Subdivision and Land Development Ordinance.
- 2. Outdoor refuse and dumpster areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be a minimum of five (5) feet in height and shall be located in the rear yard.
- 3. Buffer yard and screening requirements shall be provided at the lot line of all nonresidential properties that abut residential uses or an adjacent residential district.
- 4. A sound barrier is required for all exterior utilities that abut residential uses or an adjacent residential district.
- 5. No more than one principal use shall be allowed on each lot.
- I. Driveways; storm water management plans; and parking lots:

The joint use of access drives, storm water management facilities and parking lots are encouraged and appropriate maintenance agreements shall be established at the time of land development. The Board of Supervisors may require owners/developers to design these facilities so that they may be used jointly by adjacent land uses.

- J. Sign Requirements: Signs shall be permitted in accordance with Article VIII, of this Ordinance.
- K. Agricultural Nuisance Disclaimer. Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to nose, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.

### L. General regulations:

1. In addition to the District regulations, this Ordinance contains additional provisions, which apply to all uses in the Township.

# **ARTICLE IV**

# **Use Regulations**

### **ARTICLE IV - USE REGULATIONS**

### 400. Requirement of specific standards.

The specific standards for certain uses allowed by right with conditions, and for uses allowed by special exception, are set forth in this article. Compliance with the applicable standards must be assured to the satisfaction of the Zoning Officer before any permit is issued pursuant to this chapter for a use permitted by right with conditions. Compliance with the applicable standards must be assured to the satisfaction of the Zoning Hearing Board before a special exception is granted by the Board.

### **401. Accessory Apartment**

- A. One accessory apartment shall be allowed in a single-family detached dwelling unit with the following requirements:
  - 1. The appearance of the building shall remain intact.
  - 2. New entrances shall be located to the side or rear of the building.
- B. Off-Street parking shall be provided in accordance with Township regulations.
- C. A sewage permit must be secured from the Township SEO prior to securing the building permit for units served with an on-lot wastewater treatment.

### 402. Adult-oriented facility.

Adult-oriented facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. An adult-oriented facility shall not be located within 1,000 feet of a residential zone or use.
- B. An adult-oriented facility shall not be located within 1,000 feet of any church, school, library, park, playground, child day-care center or any other adult regulated facility.
- C. The lot of such business shall not be located within 500 feet of another adult oriented business.
  - 1. The distance between any two (2) adult-related uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each use. The distance between any adult-related use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.
- D. No material, merchandise, film or service offered for sale, rent, lease, and loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure or that can be seen from the exterior of the building.
  - Any building or structure used and occupied as an adult-related use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
  - 2. No sign shall be erected upon the premises depicting pictures and/or a pictorial representation of the human body or part thereof, nor shall it include a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- E. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an adult regulated facility restricting persons under the age of eighteen from entrance.
- F. No unlawful sexual activity or conduct shall be performed or permitted.

- G. The following shall be prohibited: Any use or activity prohibited by Section 5903 of the Pennsylvania Crimes Codes as amended and further defining the offense of obscenity, redefining obscene and further providing for injunctions.
- H. No adult-related use may change to another adult-related use, except upon approval of an additional Special Exception Hearing.
- I. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- J. No more than one (1) adult-related use may be located within one (1) building or shopping center.
- K. Any other conditions by the Zoning Hearing Board during the Special Exception Hearing.
- L. Parking One space for every employee on the largest shift; plus additional spaces as required during the Special Exception Hearing by the Zoning Hearing Board. The developer will need to provide a study to show the amount of parking needed for the business type.

# 403. Adult or child day-care center or nursery school.

Adult or child day-care centers, or nursery schools, must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standard stated hereinafter:

- A. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the Township prior to occupancy approval by the Township.
- B. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- C. At least one parking space for each employee plus one space for each four persons to be served by the facility shall be provided.

# 404. Age-Restricted Planned Residential Developments.

#### A. Definition:

"Age restricted housing" A planned development of land consisting of multiple structures constructed expressly for use and residency by persons who have achieved the minimum age requirement for residency of fifty-five (55) years or older.

### B. Purpose:

The purpose of an Age Restricted Housing development is to encourage the development of affordable and market-rate housing for individuals age fifty-five and over, by allowing the greater variety of building types at a higher density than would normally be allowed; by allowing greater flexibility in site planning so as to promote the sound development of land which reduces residents' burdens of property maintenance and which reducing demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protect natural features and environmental values and utilize land in harmony with neighboring properties.

### C. Age Restricted Housing Objectives:

In making its recommendations, the Lewis Township Planning Commission must review the following mandatory standards requiring that the proposed use, buildings, and structures for an Age Restricted Housing development will:

1. Be compatible with adjacent land uses and with the single-family residential character of the neighborhood in which it is located.

- 2. Constitute no nuisance to abutting land and natural resources by reason of uncharacteristic air or water pollution or noise.
- 3. Provide safe and convenient access to the site from existing or proposed roads.
- 4. The site shall be located a minimum 150 feet from an existing roadway.
- 5. A community water and waste water system is required.
- 6. Provide for visual and noise buffering of the development to minimize impact to abutting properties
- 7. Provide for the long-term preservation and maintenance of open space and recreation areas.
- 8. Provide for long-term maintenance of the storm water management system.
- 9. Be occupied by:
  - a. Persons who are 55 years of age or older, hereinafter referred to as "occupant";
  - b. A spouse, or significant other, under 55 years of age, of an occupant may reside in the occupant's unit, hereinafter referred to as "spouse";
  - c. A spouse who survives the occupant;
  - d. A spouse where the occupant has entered into a long-term care facility;
  - e. A mentally or physically handicapped child, brother or sister of an occupant or spouse who is dependent upon said occupant or spouse for daily care;
  - f. A paid caregiver providing medical or health care to an occupant or spouse.
- 10. Be in harmony with the general purpose and intent of this section.
- 11. Keep annual reports of all residents of the development including said resident's (persons residing in each unit as of the 1<sup>st</sup> of the year) name, address, and age. The Township has the right to request such annual report as deemed necessary by the Board of Supervisors of Lewis Township.
- 12. The following dimensional, height and density standards shall be applied to all Age Restricted Housing developments:

Minimum frontage	100 feet
Minimum lot area	5 acres
Maximum lot area	20 acres
Minimum yard setbacks (from property line)	
Front	100 feet
Side	45 feet
Rear	45 feet
Minimum structural setback from paved edge of	
access road	
Front	Min. 10 feet; Max. 20 feet
Side	10 feet
Rear	20 feet
Maximum building height	2 story/35 feet
Maximum building coverage	20%
Minimum landscape buffer	20 feet
Minimum open space requirement	25%
Maximum density	4 units/developable acre

### D. Building and Design Standards:

In order to achieve a development that reflects the residential character of the age restricted neighborhood in which it is located, the following minimum building and design standards shall be applied to all structures constructed.

- 1. There shall be no more than 4 dwelling units per structure
- 2. No dwelling unit shall contain more than 2 bedrooms
- 3. The front façade of all structures shall be oriented toward the access road serving the premises and not toward any parking lot or abutting property.
- 4. All structures, principal or accessory, shall have a gabled roofline, articulated footprint and may have varied facades.
- 5. No structure shall be greater than ten thousand (10,000) square feet in gross floor area. Gross floor area shall include attached garages but shall not include basements.
- 6. A minimum of twenty-five (25') separation between buildings shall be provided which shall be landscaped.
- 7. Principal structures that abut an access road must provide a six foot (6') landscaped buffer along the front and rear yards specifically planted at the edge of access roads.
- 8. Garages, if provided, shall be attached to and made an integral part of the principle structure.
- 9. Accessory structures shall comply with all setback requirements and shall be designed with architectural detailing of similar nature to the principal buildings located thereon.
- 10. Access roads, pedestrian/biking facilities and all infrastructure and utilities shall be designed and constructed in accordance with the Lewis Township Subdivision and Land Development Ordinance or next applicable.
- 11. All lighting fixtures shall be integrated into the architectural style of the development. All exterior structural and site lighting (not including access road lighting) shall be retained on site and shall but create a nuisance to abutting properties and streets. All exterior light sources shall be appropriately shielded from off-promise viewing. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.
- 12. One sign, no greater than sixteen square feet (16) in size and six feet (6') in height, shall be allowed at the intersection of the project's access road with the abutting public way. Signage may be illuminated with projected lighting, but it shall not be backlit or internally illuminated.
- 13. All storm water shall be managed on site.
- 14. All structures located within an Age Restricted Housing Development shall be accessed by new private access roads.
- 15. All access roads shall be designed, constructed, and approved in accordance with the Subdivision and Land Development Ordinance.

### 16. Parking:

- a. A minimum of 2 off-street parking spaces shall be provided per unit
- b. A minimum of 2 parking spaces shall be provided for any delivery vehicles visiting accessory or ancillary use buildings located within the development.
- c. Shall not be located within setback yards. However, a dwelling unit's driveway is considered an acceptable place to park.

- d. No parking lots or access drives shall be located within the minimum twenty-five (25') foot separation area between structures.
- e. All parking lots shall be located to the rear of any structure.
- f. All parking lots shall be screened from abutting access roads, properties and streets through the use of landscaped berms and evergreen shrubs and trees a minimum of four feet (4') in height and five feet (5') in width.
- 17. Landscape Buffers, Open Space and Natural Resources
  - a. A minimum of a twenty-foot landscaped buffer shall be provided along the entire perimeter of the Age Restricted Housing development
  - b. A minimum of twenty-five percent (25%) of the total acreage of the entire Age Restricted Housing development shall be set aside as common open space for the use of the residents.
  - c. Common open space shall consist of large, single contiguous area of open space, which shall retain those natural features of the site most worthy of preservation in their natural state, and which connect with any existing or potential conservation or open space areas on adjacent parcels. Not more than twenty-five percent (25%) of the common open space shall consist of wetlands. A maintenance plan shall be implemented to ensure the long-term protection of the open space.
  - d. All significant features including trees of over twelve inches (12") diameter breast height, identified heritage features, water courses, one hundred year flood plains, wetlands, ponds, other water bodies, marches, stone walls, scenic points, and historic sites shall be preserved.

### 405. Agribusiness Operations.

- A. Minimum lot size shall be fifty (50) acres.
- B. Structures housing the agribusiness shall meet the following minimum setback requirements:
  - 1. Minimum yard requirements:
    - a. Front: Two hundred (200) feet.
    - b. Side and rear: Two hundred (200) feet.
  - 2. Minimum setback requirements from any dwelling or water well not owned by the owner of the agribusiness operation: Five hundred (500) feet.
  - 3. Minimum setback requirements from any dwelling, or water well, owned by the owner of the agribusiness operation: One hundred (100) feet.
  - 4. Minimum setback requirements from any perennial stream, river, spring, lake, pond, reservoir, wetland, or public drinking water source: One hundred (100) feet.
  - 5. Minimum setback from any church or school: Five hundred (500) feet.
- C. Location of any manure storage facility shall be in accordance with the setback requirements established by the Pennsylvania Agricultural Code.
- D. Maximum lot coverage shall not exceed ten (10) percent.
- E. Prior to approval of special exception, applicants, who are required to have Nutrient Management Plan, Odor Management Plan and/or Mortality Management Plan in accordance with Act 38, 3 Pa. C.S. § 501 et seq., shall demonstrate that such Plan has been prepared and submitted to Northumberland County Conservation District for review. No Certificate of Occupancy shall be issued until such Plan has received the approval of the Conservation District.
- F. A water supply feasibility report shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use. The report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed agribusiness operation. The report shall be prepared by a licensed hydro-geologist.
- G. The applicant shall demonstrate to the satisfaction of the decision making body that it methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.

### 406. Agricultural worker family housing.

Single-family detached dwellings may be constructed on land devoted to agricultural uses in the Agricultural Zone as a special exception use if the following standards are met:

- A. The dwelling must be a single-family detached dwelling, served by a pressurized water system and an on-site septic system, in compliance with all state and local laws, or a community sewage treatment system.
- B. Only a person whose primary occupation is agriculture, and whose occupation is with the owner of the land on which the dwelling is located, may live in the dwelling with his or her family.
- C. Only one such dwelling may be situated on a tract or parcel for each 10 acres of agricultural land actively farmed by the owner of the land on which the dwelling is located. The land actively farmed by the owner of the land on which the dwelling is located may be owned or leased.
- D. All inhabitants of the dwelling must vacate the premises if none of them are primarily engaged in the

occupation of agriculture for the owner of the land on which the dwelling is located.

- E. The single-family dwellings used for agricultural worker family housing may be mobile homes, manufactured homes, or custom built homes. They must contain at least one full bathroom, an area for eating, and a kitchen, in addition to bedrooms.
- F. If such a dwelling is not occupied by an agricultural worker for a period of more than two years, or if the owner of the land is not actively and primarily engaged in agriculture, then the dwelling must be removed from the parcel. If the amount of land actively farmed by the owner of the land is decreased so that there are not 10 acres of actively farmed land for each agricultural worker family dwelling, then the number of dwellings must be decreased to meet the ratio required by Subsection C above.
- G. The applicant for a special exception permit for agricultural worker family housing must provide to the Zoning Hearing Board a written statement that this section will be complied with by the applicant and that it is binding upon his heirs, successors and assigns. The written statement must be recorded in the Office of the Recorder of Deeds of Northumberland County, Pennsylvania, after a decision by the Zoning Hearing Board in favor of the applicant, but prior to the issuance of a special exception permit for this use.

### 407. Airport and/or land strip.

- A. A minimum lot area of fifty (50) acres is required.
- B. No portion of the area designated or utilized for aircraft take-off or landing shall be within two thousand five hundred (2,500) feet of any residential district or lot line of a residentially used lot, including those within adjacent municipalities, nor within three hundred (300) feet of any property line.
- C. All Federal and State operational and safety requirements shall be met.
- D. Any proposed airport or landing strip shall not adversely affect adjoining land uses, the safety of nearby residents or employees, or the future growth and development of the Township.

### 408. Animal hospital or veterinary clinic.

Animal hospitals or veterinary clinics must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. If only small animals are to be treated (dogs, cats, birds and the like), such hospital or office shall have a minimum lot area as specified in the district in which it is located.
- B. If large animals are to be treated (cows, horses, pigs and the like), such office or hospital may be located only in an A District and shall have a minimum lot size of five acres.
- C. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard.
- D. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet from all property lines.
- E. All outdoor pasture/recreation areas shall be fenced to prevent the escape of the animals; all such fenced areas shall be set back a minimum of twenty-five (25) feet from all property lines.
- F. All Animal Hospitals and Veterinary Clinics shall comply with all applicable State and Federal standards and regulations.

### 409. Animal Husbandry.

A. The use regulations shall apply to new buildings or a change of use in existing buildings utilized to house animals created after the effective date of this Ordinance.

- B. All buildings housing animals shall be setback as follows:
  - 1. Minimum yard requirements.
    - a. Front: Two hundred (200) feet
    - b. Side and rear: One hundred (100) feet.
  - 2. Minimum setback requirements from any dwelling or water well on adjacent property: Two hundred (200) feet.
  - 3. Minimum setback from any church or school: Two hundred (200) feet.

# 410. Automobile, Bus, Boat, Motorcycle, Snowmobile, Trailer, Manufactured Home, Truck, Farm and Excavation Machinery, and Heavy Equipment Sales and Service Facilities.

- A. All service or repair activities shall be conducted within a completely enclosed building.
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
- C. No outdoor storage nor outdoor display of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
- All exterior storage areas shall be subject to lot coverage requirements and screened from adjoining properties and roads.
- E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially-zoned or lot line of a residentially used property.
- F. All vehicles and machinery shall be repaired and removed from the premises promptly.
- G. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles or parts thereof shall be removed from the site within two (2) weeks of arrival.
- H. The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

### 411. Bed-and-breakfast inn.

A bed-and-breakfast inn must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. A minimum of one off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit.
- B. The inn must comply with all applicable regulations, including, but not limited to, fire, health, safety and building codes.
- C. Maximum guest stays shall be limited to fourteen (14) consecutive days.
- D. No external appearance modification of the building which would alter the residential character is permitted, except for the provisions of fire escapes.
- E. Meals shall be offered only to registered overnight guests.
- F. Bed and Breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single family detached dwelling.

G. Public water and public sewer approved by the PA DEP must be utilized or satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use or additional units.

### 412. Campground.

Campgrounds must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Use of any recreation vehicle as a permanent residence within any recreation vehicle park shall be prohibited.
- B. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be 10.
- C. There shall be a maximum of 12 recreation vehicles per acre of lot area in any recreation vehicle park.
- D. A stand upon which to place each recreation vehicle shall be provided. As used herein, a "stand" is defined as suitable hard surface area at least 300 square feet in size.
- E. Each recreation vehicle stand shall meet minimum yard requirements along exterior lot lines; also, no vehicle stand shall be located less than 30 feet from any other vehicle stand, building access way or parking area (other than that provided for the subject recreation and tow vehicles).
- F. Provisions shall be made for the parking of tow vehicles.
- G. Applicable provisions of the Department of Environmental Protection regulations regarding recreation vehicle parks are met.
- H. Access roads for towing vehicles or motor homes shall be provided with an all-weather surface.
- I. A minimum lot area of fifteen (15) acres shall be provided with a maximum impervious coverage of twenty-five (25) percent.
- J. All buildings, structures, parking areas and campsites shall be located at least seventy-five (75) feet from any side or rear property line and at least one hundred (100) feet from any public street Right-of-way line.
- K. An internal road system shall be provided in accordance with the Lewis Township Subdivision and Land Development Ordinance.
- L. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- M. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from any adjoining residential property.
- N. Accessory retail or service commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels used for residential purposes:
- O. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to a minor arterial or major collector road.

- P. A minimum of twenty (20) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.
- Q. During operation every campground shall have an office in which shall be located the person responsible for the operation of the campground.
- R. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection (PA DEP). All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public street.

### 413. Car Washes.

- A. Gray water recycling is required.
- B. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred (300) feet per lane.
- C. All structures housing washing apparatuses shall be set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty-five (25) feet from any side lot line.
- D. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris.
- E. The subject property shall front on a minor arterial or collector road.
- F. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

### 414. Cemetery.

Cemeteries must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Permitted Uses.
  - 1. Cemeteries.
  - 2. Mausoleums.
  - 3. Crematories.
  - 4. Caretaker Residence.
  - 5. Chapels.
- B. Area and bulk regulations All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
  - 1. The minimum size of a cemetery shall be five (5) acres.
  - 2. The minimum front, side and rear yards shall be one hundred (100) feet.
  - 3. The maximum lot coverage (building, driveways, parking areas and other paved surfaces) shall be ten percent (10%).

- C. Parking requirements.
  - 1. Places of assembly One (1) space per two hundred (200) square feet of floor space or one (1) space per every five (5) seats, whichever is greater.
  - 2. Caretaker residence Two (2) spaces.
  - 3. Employees One (1) space per full-time and part-time employees.
- D. Supplemental regulations:
  - 1. Landscaping shall be required and set in place according to a plan approved by the Board.
  - 2. An ornamental or densely planted buffer strip shall be required where the lot abuts an existing residential use.
  - 3. No parking area shall be located within the required front, side or rear yards.
- E. No burial plots or facilities are permitted in flood hazard areas.
- F. Screening shall be provided adjacent to any residential use or zone in accordance with Township regulations.

# 415. Club room, club grounds, meeting hall.

Club rooms, club grounds, or meeting halls must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. All outdoor recreation/activity areas shall be set back at least 10 feet from any property line.
- B. Screening shall be provided adjacent to any residential use or zone in accordance with township regulations.
- C. The use shall not constitute a public or private nuisance.

### 416. Cluster housing development.

Cluster housing developments must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Purpose. In the case of single-family residential developments of 10 acres or more, an added degree of flexibility in the placement, bulk and interrelationship of the buildings and uses within the development may be approved. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed parcel abuts an existing cluster development, is within an appropriate zoning classification, and will enable a compatible extension of the existing development.
- B. In establishing a cluster housing development, the following guidelines shall be followed:
  - 1. The total number of permitted dwelling units shall be determined on the basis of total parcel area, exclusive of rights-of-way. In no event shall the overall density exceed the permitted density for single-family detached dwellings in the district.
  - 2. Minimum lot area and lot width requirements for single-family detached and semidetached dwellings may be reduced, but lots for each dwelling unit shall not be less than 7,000 square feet in area or 70 feet in width in the district, nor less than 10,000 square feet in area or 100 feet in width in the district.
  - 3. Minimum setbacks and building height shall conform to the requirements of the zoning district.

- 4. Maximum lot coverage shall not exceed 65%.
- 5. Permitted uses within a cluster development shall be limited to single-family dwellings and related accessory buildings and uses. Cluster provisions shall not apply to a mobile home park.
- Public water and public or community sewer approved by the Pennsylvania Department of Environmental Protection must be utilized.
- 7. Provisions for the future maintenance of all common areas, including, but not limited to, sewer systems, water systems, open areas, parking and recreation shall be the responsibility of a homeowners' association or condominium association. The provisions and any agreements, such as bylaws for a homeowners' association, shall be subject to the approval of the Board of Supervisors.
- 8. All other provisions of this chapter and any other applicable ordinance of the Township shall apply to cluster housing developments.
- 9. The application for a special exception for this use shall contain the following information:
  - (a) A legal description of the property under consideration
  - (b) A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking lots, plantings, driveways, and streets.
  - (c) Proposed reservations for parks, playgrounds, and other open spaces.
  - (d) A vicinity map showing the location of the site in relation to the surrounding neighborhood.
  - (e) Proof or compliance with Subsection B(6) above, and all documents in compliance with Subsection B(7), above.

### 417. Commercial Camps and Resorts.

- A. The regulatory and design requirements of a commercial resort/campground facility are based around the potential impacts on abutting properties and added traffic on existing roadways.
  - 1. Shall provide a description of all activities the camp/resort will offer.
  - 2. Shall provide emergency plans for guests in the event of an environmental, domestic, criminal, and for natural hazard event.
  - 3. Must have a maintenance plan that denotes weekly, monthly and annual maintenance elements that will help ensure safety and reduce potential liability challenges.
  - 4. The camp must display the proper ATV permits from appropriate state and or national agencies.
  - 5. All ATV riders must remain on site unless written permission from other adjacent property owners have been given.
  - 6. Hours of operations shall be posted and shall be made available to the Township.
  - 7. A minimum of fifty acres (50) is required for a campground/resort facility planned development.
  - 8. Any swimming pools shall be fenced and open to guests during predetermined hours of operations.
  - 9. Shall provide plans for new trails for biking, horseback riding, or motorized vehicles, excluding cars, trucks, vans, and sport utility vehicles.

- 10. A minimum of twenty-five percent (25%) of the planned development shall be preserved for open space. Any trails, pathways, or storm water detention facilities can be calculated as part of the open space acreage.
- 11. Such commercial recreational facilities shall include require a one hundred foot (100') buffer yard located on the perimeter of the entire development.
- 12. Shall construct new access roadways into and out of the commercial recreational development.
- 13. Shall locate and show on the development plan all significant environmental features. It is required to preserve all environmentally significant features. Wooded areas that will be impacted shall be designated and shown on the plan. The degree of impact shall be reported officially and documented as part of the plan's submission.
- 14. Shall provide a parking plan for all vehicles and the storage of 2, 3, and 4 wheel all-terrain vehicles. This parking must be located inside the buffer yard around the parameter of the entire development.

### 418. Commercial Conversions.

- A. The conversion of a one-unit residential structure into two (2) or more residential or non-residential units or a combination of the both. A residential conversion can also apply to the conversion of a non-residential structure into a residential living unit. Regulatory requirements of a residential conversion are as follows:
  - 1. Must have ample water and wastewater infrastructure.
  - 2. Must provide one parking space per residential unit.
  - 3. Must provide separate entrances for each unit.
  - 4. Must provide outdoor lighting for all off-street parking lots.
  - 5. All outdoor lighting must not impact residential dwelling units on an abutting property.
  - 6. Must add additional safety measures including handrails for outside stairs, lighting at stairways, smoke detection devices per unit, and must obtain proper roof inspection report.

### 419. Commercial greenhouse and nursery

- A. All uses shall have direct access to a collector or minor arterial road.
- B. Buffering shall be required adjacent to residential property lines or zones in accordance with Township regulations.

### 420. Commercial Livestock Operations.

- A. Minimum Lot Area twenty (20) acres
- B. Any area used for the housing, feeding and watering of livestock shall be set back at least one hundred (100) feet from all property lines, and at least five hundred (500) feet from any residentially used land.
- C. The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with Act 38, 3 Pa. C.S. § 501 et seq. . All subsequent operations on the site shall be required to strictly adhere to an approved manure management plan.

D. The applicant shall furnish evidence from the Northumberland County Conservation District that the proposed use has an approved conservation plan.

### 421. Commercial Parking Lot

- A. Not more than 80% of the lot area shall be covered with impervious surfaces.
- B. No sale, rental, service, or repair operation is permitted.
- C. The design of the parking facility must be approved by the Township Engineer with regard to layout, access, drainage, and dimensions of aisles.
- D. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces. All commercial parking lots or buildings shall be screened from adjoining residential uses.
- E. To protect other vehicles and pedestrians in the immediate area of such a use, railing, fencing, posts and chains, or similar protective barriers must be located on the perimeter of the parking areas, except at access drives.
- F. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, that is, in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation standard and the latest edition of the Trip Generation Manual of the Institute of Transportation Engineers), access shall be by a minor arterial or collector road.

### 422. Commercial Recreation/Amusement Facilities.

- A. If the subject property contains more than two (2) acres, it shall front on a minor arterial or collector road.
- B. Those uses involving extensive outdoor activities shall provide sufficient screening or landscaping measures to mitigate any visual, audible, or both, impacts on adjoining properties.
- C. Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy.
- D. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution.
- E. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in the Lewis Township Subdivision and Land Development Ordinance. In addition, an unimproved grassed overflow parking area to be provided for peak use periods may be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- F. Any booths or other structures used for the collection of admission fees, parking fees, or both, shall be back and arranged to prevent vehicle backups on adjoining roads during peak arrival times. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion.
- G. Any outside pedestrian waiting lines, shall be provided with a means of shade.

# 423. Communication towers and communication antennas with associated communication equipment buildings

- A. The following regulations shall apply to communication antennas and communication equipment buildings.
  - Building mounted communications antennas shall not be located on any single family dwelling or two-family dwelling unit.
  - 2. Building mounted communications antennas shall be permitted to exceed the thirty-five (35) feet height limitations by no more than twenty (20) feet.
  - 3. Building mounted communications antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure go as to make the antenna and related equipment as visually unobtrusive as possible. In residential built-up areas, a plan shall be submitted demonstrating the method to be utilized to visually conceal said structures.
  - Omni directional or whip communication antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
  - 5. Directional or panel communication antennas shall not exceed five (5) feet in height and three (3) feet in width.
  - 6. Any applicant proposing communication antennas to be mounted on a building or other structure shall submit the following Information.
    - a. Evidence from a Pennsylvania registered professional engineer certifying that the proposed Installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
    - b. Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by Township Engineer.
    - c. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
  - 7. Communication antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation and radio frequency interference.
  - 8. A communications equipment building shall be subject to the height and setback requirements of the applicable district for an accessory structure.
  - 9. The owner or operator of the communications antenna shall be licensed by the Federal Communications Commission to operate such antennas.
- B. The following requirements shall apply to communication towers.
  - 1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antenna
  - The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- 3. Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 4. Tower type. Where the construction of a new support structure is proposed, the applicant shall use a single-pole, or davit, construction where the proposed site meets one (1) or more-of the following the locations criteria:
  - a. Within one (1) mile of an area or property listed in or deemed eligible for listing in the National Register of Historic Places.
  - b. Within five hundred (500) feet of any residential subdivision or land development containing more that twenty-five (25) contiguous dwelling units and a dwelling unit density of greater than one (1) dwelling unit per acre.
- 5. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on and existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
  - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
  - c. Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - d. Additions of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - e. A commercially reasonable agreement could not be reached with the owners of the structure.
- 6. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surfaces for 'its entire length.
- A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- 8. Recording of a plat of subdivision or land development shall not be required for 6 lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- 9. The applicant shall demonstrate that the proposed tower is the minimum height required to function satisfactorily. The applicant shall provide coverage analyses for a sufficient range of tower heights within the Township where towers are permitted to demonstrate the relationship between tower height and coverage "dead spots" and a sufficient range of sitting locations based on technical data, which demonstrates the need for the tower in the specified location. The Township Zoning Hearing Board shall have the option to obtain an independent professional evaluation of the sitting analysis.

- 10. In all zoning districts the maximum height of any communication tower shall be one hundred fifty (150) feet; provided, however, that such heights may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.
- 11. The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any residential district or any property line of a religious or educational institution at least two hundred (200) feet and shall be set back from any other property line at least fifty (50) feet.
- 12. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- 13. Towers shall either maintain a galvanized steel finish or, subject to any applicable standard of Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
- 14. The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.
- 15. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Support Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.
- 16. The applicant shall submit a copy of its current Federal Communication Commission license; the name, address and emergency telephone number for the operator of the communications -tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
- 17. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- 18. The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
- 19. No signs or lights shall be mounted on the communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
- 20. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communication tower within six (6) months of the expiration of such twelve (12) month period. A decommissioned site registration agreement with the Township must be executed prior to construction of the tower/antenna.
- 21. One off street parking space shall be provided within the fenced area.
- 22. Monopoles must try to be utilized for any tower/antenna.

# 424. Community Center.

- A. A community center is considered a public use.
- B. Adequate on-site, off-street parking must be provided as follows:
  - 1. One (1) space for each four seats.

- One (1) space for each full-time employee and one (1) space for every two (2) part-time employees.
- C. The location of a community center must be reviewed in conjunction with existing public facilities and use of those facilities that may be the same or compatible with the proposed community center.
- D. The need for public community center is at the discretion of the Township.

### 425. Convalescent home or nursing home.

Convalescent homes or nursing homes must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Lot area: one acre minimum.
- B. Lot width: 150 feet minimum.
- C. Setbacks: All buildings shall be located at least 50 feet from all property or street lines.
- D. Screening shall be provided adjacent to any adjoining residential use or zone in accordance with Township regulations.
- E. Public water and public sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.
- F. The facility must comply with all applicable building, health, safety and fire codes.

### 426. Continuing care retirement community (CCRC).

Continuing care retirement communities shall meet all of the requirements where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter.

- A. Minimum lot area: minimum of one acre.
- B. Minimum lot width: 150 feet.
- C. Minimum setbacks: 50 feet from all property lines.
- D. Maximum building height: 65 feet, provided that each proposed building with a height greater than 35 feet shall be permitted only with specific approval by the Zoning Hearing Board as part of the special exception review process. Any applicant for special exception use of a building exceeding 35 feet, as defined elsewhere in this chapter, shall demonstrate the ability to comply with the following:
  - 1. The height of the highest accessible living floor shall not exceed 35 feet above the elevation of the first (ground) floor of the building.
  - Building construction types must contain specific fire separations between floor levels, living units
    and egress systems, including corridors, stair towers and elevator shafts, in accordance with the
    Pennsylvania Uniform Construction Code (UCC), as stated in the International Building Code
    (IBC) 2009, or the most current applicable Code.
- E. Permitted uses: The following types of uses shall be authorized to be included within a CCRC:
  - 1. Residential uses: At least two forms of residential arrangements shall be provided within a CCRC. Authorized residential arrangements include independent living, assisted living, personal care and nursing or skilled units, and may be provided in accordance with the following:

- a. Independent living units may be of the single-family detached, two-family or multifamily dwelling unit type.
- b. Assisted living or personal care units may be of the multifamily dwelling unit type.
- c. Nursing or skilled units located within a licensed facility providing medical care and related services.
- 2. Common uses: The following common uses shall be permitted to be located within a CCRC:
  - a. Dining facilities to primarily serve the CCRC's residents and their guests, including central kitchens and dining areas for on-site preparation and serving of meals.
  - b. Recreation facilities, including but not limited to activity rooms, auditoriums, lounges and libraries.
  - c. Health care facilities, including but not limited to physical therapy facilities and services, exercise rooms with equipment and swimming pools.
  - d. Retail sales uses intended to primarily serve the residents and employees of the CCRC, provided that such retail sales uses do not exceed 10% of the total floor area within the CCRC.
  - e. Personal service uses intended to primarily serve the residents of the CCRC, provided that such personal service uses do not exceed 5% of the total floor area within the CCRC.
  - f. Professional office uses intended to primarily serve the residents of the CCRC, provided that such professional office uses do not exceed 10% of the total floor area within the CCRC. Floor area devoted to medical or nursing care services offered directly within a nursing or skilled care facility shall not be included in calculating this percentage.
  - g. Chapels
  - h. Other common uses determined by the Zoning Hearing Board to be of the same general character as those common uses listed above and which are customary accessory components of a CCRC.
- F. Minimum. Habitable floor area: The following minimum habitable floor areas shall be required for specific dwelling types within a CCRC:
  - 1. Single-family detached dwelling: 600 square feet
  - 2. Two-family dwelling: 600 square feet per dwelling unit.
  - 3. Multifamily dwelling (including nursing or skilled units): 400 square feet per dwelling unit.
- G. Screening shall be provided adjacent to any adjoining residential use or zoning district in accordance with Township regulations.
- H. Public or community water and sewer facilities approved by the Pennsylvania Department of Environmental Protection shall be utilized.

### 427. Dry Cleaners, Laundries and Laundromats.

- A. Alternative or public sewer and public water facilities shall be utilized.
- B. All activities shall be conducted within a completely enclosed building.

- C. During operation or plant cleanup and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed.
- D. Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property.
- E. Self-service Laundromats shall require one (1) off street parking space for each two (2) washing machines; other laundry-related uses shall provide one (1) off-street parking space for each four hundred (400) square feet of gross floor area.

# 428. Farm Equipment Sales and Services.

- A. Farm equipment or lawn and garden sales and service shall be permitted as an accessory use to the principal agricultural use of the lot.
- B. Permitted Uses.
  - 1. Distribution, sales and/or servicing of equipment and machinery commonly used for agricultural purposes.
  - 2. Distribution, sales and/or services of lawn and garden equipment and supplies.
- C. Area and Bulk regulations All area and bulk requirements of the Agricultural (A) District shall apply with the following exceptions:
  - 1. The minimum lot area (principle and accessory uses) shall be five (5) acres.
  - 2. The building set-back shall be at least fifty feet (50') from any lot or street line.
  - 3. No accessory building utilized in connection with the farm equipment or lawn and garden sales and service may be located in any required side or rear yard.
  - 4. No accessory building shall project nearer to the street on which the principle building fronts than such principal building.
- D. Parking Requirements.
  - 1. One (1) parking space per non-resident employee plus three (3) spaces for customer parking.
  - 2. One (1) off-street loading berth shall be required.
  - 3. No parking area shall be located within the required front, side or year yards.
- E. Supplemental Regulations.
  - 1. The sales and service business shall be easily accessible from an improved street or highway with safe ingress and egress for vehicular traffic.
  - Exterior lighting, other than that essential for the safety and convenience of the users of the premises, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
  - 3. One (1) premise sign identifying the sales and service business use shall be permitted provided that such sign shall not exceed twelve square feet (12 sq. ft.) in area.
  - 4. No outdoor displays of goods for sale or rental shall be located in required front or side yards.

### 429. Generator/Electric Generating Building.

- A. Because electric generating companies have off-site impacts on adjacent properties the following regulatory requirements apply:
  - 1. Water and sewer requirements for a generator/electric generating facility shall meet with the Lewis Township Supervisors, Zoning Officer and appropriate water and sewer authorities for anticipated immediate, 5-year and 10-year facility needs.

### 430. Golf Courses.

- A. In no case shall the golf course design permit or encourage a golf ball to driven across any building, building lot, street, access drive, or driveway.
- B. Golf paths golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be provided with an all-weather surface at points of concentrated use.
  - 1. The golf course design shall minimize golf path crossings of streets and driveways. Easily identifiable golf paths must be provided for crossings of street, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall confirm with the following:
    - a. Each crossing shall be perpendicular to the traffic movements.
    - b. Only one (1) street, access drive or driveway may be crossed at each location.
    - c. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection.
    - d. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over three (3) feet high shall be placed within this area.
    - e. Sight distance Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment.
    - f. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway crossing.
    - g. Golf path crossing shall be designed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
    - h. When golf paths cross interior roads, a stop sign is required.
    - i. Golf path crossings of a minor arterial or collector road shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial roads and require the use of the tunnel. The construction of the collector or arterial road crossing of the tunnel shall comply with PennDOT standards.
- C. All golf course building shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential structures or parcels.

- D. Golf courses include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users.
  - 1. Clubhouse, which may consist of:
    - a. Restaurant, snack bar, lounge and banquet facilities.
    - b. Locker and rest rooms.
    - c. Pro shop.
    - d. Administrative offices.
    - e. Golf cart and maintenance equipment storage and service facilities.
    - f. Guest lodging for those using the golf course, provided:
      - (1) No lodging units have separate exterior means of ingress/egress.
      - (2) All lodging units shall be contained within the main clubhouse.
      - (3) Such guests lodging shall have a total occupancy of no more than twenty (20) persons.
    - g. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms.
    - h. Game rooms, including card table, billiards, ping-pong, and other similar table games.
    - i. Babysitting rooms connected fence-enclosed play lots.
  - 2. Accessory recreation amenities located outside of a building, including:
    - a. Driving range, provided that no lighting is utilized.
    - b. Practice putting greens.
    - c. Swimming pools.
    - d. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts.
    - e. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washer courses.
    - f. Picnic pavilions, picnic tables, park benches, and barbecue pits.
    - g. Hiking, biking, horseback riding, and cross-country ski trails.
    - h. Playground equipment and play lot games, including 4-square, dodge ball, tetherball, and hopscotch.
  - 3. Freestanding maintenance equipment and supply buildings and storage yards.
- E. All outdoor storage of maintenance equipment or golf carts shall be set back at least one hundred (100) feet and screened from adjoining residential structures and roads.
- F. All dumpsters and off-street parking or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.

### 431. Health and Fitness Clubs.

- A. Off street parking shall be provided as-required by the combination of elements comprising the health club, including accessory uses.
- B. Any accessory eating, or retail use, must be accessed only through the main clubhouse building.
- All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.

### 432. Heliport.

- A. Minimum Lot Area Ten (10) acres
- B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation Bureau of Aviation prior to the approval of the special exception/conditional use application.
- D. No part of the take-off/landing strip and/or pad shall be located nearer than one hundred feet (100') from any property line.

# 433. Home Improvement and Building Supply Stores.

- A. If the subject property contains more than two (2) acres, it shall front along a minor arterial or collector road.
- B. The retail sales area shall be all areas open for public display, including but not limited to shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above.
- C. Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area.
- D. All exterior storage and retail sales areas shall include a dust-free surface and a completely enclosed six foot (6') high fence and gate.
- E. The applicant shall furnish expert evidence that any exterior amplified public address system and exterior lighting has been arranged and designed so as to prevent objectionable impact off of the site.
- F. Any drilling, cutting, sawing, mixing, crushing or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely enclosed building.
- G. The applicant shall submit a traffic study as governed by the Lewis Township SALDO.

### 434. Home occupation.

Subject to the requirements below, the following home occupations may be authorized only in a dwelling unit or accessory building: physician, dentist, clergyman, lawyer, engineer, accountant, architect, teacher, artist, licensed insurance or real estate agency, repair shop, furniture refinishing, retail sales, seamstress, barber, beautician and similar occupations.

A. Employees. No person other than a resident of the dwelling unit may practice the occupation. No more than two persons shall be employed to provide secretarial, clerical or other assistance.

- B. Pupils. No more than 10 pupils may receive instruction at a time.
- C. Coverage. Not more than 30% of the floor area of the dwelling unit may be devoted to a home occupation, including storage of supplies. If located in an accessory building(s), the total area devoted to the home occupations(s) shall not exceed an area equal to 50% of the habitable floor area of the dwelling unit.
- D. Appearance. The character or external appearance of the dwelling unit must be that of a dwelling. No display of products may be shown so as to be visible from outside the dwelling or accessory building. A sign not larger than two square feet in area is permitted and may be illuminated only by indirect lighting that is shielded so as not to create glare for neighboring properties or motorists.
- E. Parking. Besides the required parking for the dwelling unit, off-street parking located in the rear yard, in addition to those required for a single-family use, is required as follows for each home occupation:
  - 1. Two spaces for the home occupation and one space for each nonresident employee per shift, plus;
  - 2. Two spaces in addition to those required by Subsection E(1) shall be provided for a physician, dentist, barber or beauty shop.
  - 3. Garages shall not be considered parking area for home occupations. Each space provided shall not have direct access to the street to avoid vehicles backing into the flow of traffic.
- F. Outdoor storage. If an outdoor storage area is necessary, it must be located to the side or rear of the principal building and screened from view.
- G. Nuisance effects. The occupation shall not create objectionable noise or odor that can be detected from outside the building; nor shall it create traffic or parking problems.
- H. Impact on neighborhood. A home occupation shall not in any way alter the character of a neighborhood nor in any way adversely affect the sale and comfortable enjoyment of properties in the vicinity.
- I. Permit; fee. There shall be a fee for a home occupation permit, as set from time to time by resolution of the Board of Supervisors. The current list of fees is on file in the Township office.

#### 435. Hospitals and Related Uses.

- A. Minimum lot area is five (5) acres.
- B. The subject property shall have frontage along a minor arterial or collector road.
- C. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.
- D. Emergency entrances shall be located on a building wall which faces away from adjoining residentially-zoned properties or separated by at least three hundred (300) feet from residentially-zoned properties.
- E. The applicant shall submit a traffic study.
- F. Alternative or public sewer, and public water utilities shall be utilized.
- G. Adequate provision shall be made for the collection, disposal and recycling of garbage, trash and medical and hazardous waste.

- H. Where more than one (1) of the following uses are proposed, either at one time or separately over time, integrated site function and design shall be required consistent with the creation of a campuslike environment.
  - 1. Hospitals and hospices.
  - 2. Intermediate care and skilled nursing facilities.
  - Medical and dental offices.
  - Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities.
  - 5. Health and fitness clubs.
  - 6 Commercial day-care facilities.
  - 7. Commercial schools with exclusively health care-related curricula to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.
  - 8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
    - a. Administrative offices.
    - b. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility).
    - c. Automobile parking lots and parking garages.
    - d. Housing for students, employees and their families in accordance with the standards of the residential district.
    - e. Lodging facilities for patients and their families.
    - f. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/service for the convenience of employees, patients, and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings within the Zone.
    - g. Short-term, intermitted education programs which are not intended to prepare students for careers in health care, but rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues.
    - h. Helistop.
    - Incinerators and autoclaves.
- I. Specific requirements for selected accessory uses.
  - 1. The helistop shall only be used for emergency transport by helicopter of patients. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be setback a minimum of three hundred (300) feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards.

- 2. For incinerators and autoclaves, only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.
- J. The maximum permitted height is sixty (60) feet for hospitals, provided all structures are set back a horizontal distance equal to their height from each property line and street right-of-way line; thirty-five (35) feet for all other uses.

# 436. Hotels, Motels and Similar Lodging Facilities.

- A. The subject property shall front on a minor arterial or collector road.
- B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- C. The following accessory uses may be approved as part of the special exception application:
  - 1. Auditorium.
  - 2. Barber and beauty shop.
  - 3. Gift shop.
  - 4. Meeting facilities.
  - 5. Recreational uses and swimming pools.
  - 6. Restaurants.
  - 7. Sauna, spa or steam room.
  - 8. Solarium.
  - 9. Valet shop.
  - 10. Other similar retail sales and personal services.
- D. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building.
- E. One (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:
  - 1. The proposed restaurant shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or fast-food service shall be permitted.
  - 2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.
  - Sufficient off-street parking spaces shall be provided and located to conveniently serve the freestanding restaurant without interfering with required off-street parking associated with the hotel use.

#### 437. Industrial / Business Park

- A. Industrial / Business Park support businesses.
  - 1. The following support uses are permitted in industrial and business parks when approved by the Zoning Hearing Board as a special exception.
    - a. Retail establishments serving the needs of businesses or light industrial uses, including but not limited to, pharmacies, coffee shops, restaurants (excluding those with drive-through service), and new stands, excluding adult businesses.
    - Service establishments serving the needs of businesses or light industrial uses, including but not limited to, automated bank machines, financial consulting services, fitness centers, daycare centers, and travel consultants, excluding adult businesses and drive-through service.
    - c. Hotels provided no hotel shall be located within one thousand five hundred (1,500) linear feet of any other hotel within the same industrial or business park.
  - 2. The industrial / business park support uses shall meet the following minimum standards in addition to standards set forth in this article for specific uses.
    - a. The use(s) shall be oriented to the interior of the development and shall be visually screened from view of the abutting right-of-way.
    - b. External identification signs shall not be permitted except where directories or kiosks list all uses within a development.
    - c. Except for daycare, fitness centers and hotels, which may occupy a free standing structure, the approved special exception uses shall not take up more than twenty-five (25) percent of the first floor area of a primary structure devoted to permitted uses. All support uses shall be limited to the first floor of the structure.
    - d. Additional parking, buffering, or landscaping may be required for a special exception use by the Zoning Hearing Board when warranted.

#### B. Access.

- Access shall be via a minor arterial or major collector road or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
- 2. Truck traffic going to and from the industrial park shall be permitted on nonresidential streets only.
- 3. Traffic entrances and exits shall be located three hundred (300) feet from residential uses to minimize truck traffic noise and vibration.
- 4. All internal streets shall meet Township specifications and the Lewis Township Subdivision and Land Development Ordinance and shall remain private unless accepted for dedication by the Township Board of Supervisors.
- C. A traffic impact study shall be required.
- D. Minimum tract area: Fifteen (15) acres.
- E. Minimum tract width: Four hundred (400) feet.

F. Individual lots within the park shall have minimum setbacks as required for other uses in the zoning district. Additional minimum building setbacks shall be provided as following:

1. Interior drives: Twenty (25) feet

2. Parking areas: Ten (10) feet

- 3. Separation between buildings on the same lot: Forty (40) feet
- G. Maximum lot coverage shall be fifty (50) percent unless additional area is required for storm water management facilities.
- H. Appearance. To the extent possible, the appearance should be harmonious with adjoining properties. These features include, but are not limited to: landscaping, enclosure of principal and accessory uses, heights, signage, structural density and architecture.
- I. An infrastructure plan showing the adequate of water and sewer shall be required at the time of subdivision and land development.
- J. All site requirements set forth in this ordinance shall be met in addition to the following:
  - 1. All utility lines must be placed underground.
  - 2. Landscaping
    - Each structure and its parking or service area shall be separated from the adjoining public highway or street right-of-way by a curb and planting area, with a depth of no less than five (5) feet.
    - b. A ten (10) foot minimum landscaped strip must be maintained between interior drives and parking areas.
    - c. The subdivision and land development plan must show the landscaped areas including the size and variety of all proposed plantings.
- K. Areas held in common ownership.
  - 1. If any of the buffer areas, open spaces, street or parking areas are held in common ownership for the development, the developer or owner must submit a detailed statement including covenants, agreements or specific documents showing the ownership and method of maintenance, financial responsibility and utilization of the common areas within the development.
  - 2. The Township Solicitor shall review such documents to determine whether they adequately provide for the creation and maintenance of common areas.
  - 3. Such documents shall provide that any alteration or amendment to the agreements shall not be accomplished without the express review and consent of the Township.

#### 438. Industrial Uses.

The applicant shall provide a detailed description of the proposed use in each of the following topics:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any byproducts. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

- C. Any environment impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negatives impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.
- D. Where deemed necessary by the decision-making body, a traffic study prepared by a professional traffic engineer.
- E. Buffer yards and screening shall be provided to protect neighboring properties.

#### 439. Junkyard; automobile dismantling plant.

Junkyards or automobile dismantling plants must meet all of the requirements in the district where such use is permitted and the Lewis Township Junkyard Ordinance, as amended.

#### 440. Kennel.

Kennels must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Lot area: two acres minimum.
- B. Lot width: 250 feet minimum.
- C. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, runways or fenced enclosures shall be located at least 100 feet from all property or street lines.
- D. All animals must be housed within a structure except while exercising.
- E. All outdoor exercise areas shall be enclosed to prevent the escape of animals.

# 441. Lawn and Garden Equipment and Supplies Sales and Service.

- A. Farm equipment or lawn and garden sales and service shall be permitted as an accessory use to the principal agricultural use of the lot.
- B. Permitted Uses.
  - 1. Distribution, sales and/or servicing of equipment and machinery commonly used for agricultural purposes.
  - Distribution, sales and/or services of lawn and garden equipment and supplies.
- C. Area and Bulk regulations All area and bulk requirements of the Agricultural (A) District shall apply with the following exceptions.
  - 1. The minimum lot area (principle and accessory uses) shall be five (5) acres.
  - 2. The building set-back shall be at least fifty (50) feet from any lot or street line.
  - 3. No accessory building utilized in connection with the farm equipment or lawn and garden sales and service may be located in any required side or rear yard.
  - 4. No accessory building shall project nearer to the street on which the principle building fronts than such principal building.
- D. Parking Requirements.

- 1. One (1) parking space per non-resident employee plus three (3) spaces for customer parking.
- One (1) off-street loading berth shall be required.
- 3. No parking area shall be located within the required front, side or year yards.

# E. Supplemental Regulations.

- 1. The sales and service business shall be easily accessible from an improved street or highway with safe ingress and egress for vehicular traffic.
- Exterior lighting, other than that essential for the safety and convenience of the users of the premises, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
- 3. One (1) premise sign identifying the sales and service business use shall be permitted provided that such sign shall not exceed twelve square feet (12 sq. ft.) in area.
- 4. No outdoor displays of goods for sale or rental shall be located in required front or side yards.
- 5. Except as provided above, all other pertinent provisions of Article III, General Regulations shall apply.

# 442. Mineral Recovery Operations, Quarries and Other Extractive-Related Uses.

- A. The facility shall meet all State and Federal regulations regarding the mining plan and operational requirements.
- B. Fencing. A six foot (6') chain-link fence must surround the area of actual guarrying.
- C. Screens. Where the quarry operations will substantially impair the beauty and character of the surrounding countryside, trees or shrubs must be planted, or attractive earth barrier erected, to screen the operation as far as practical from normal view.
- D. Setbacks from residential uses measured from the property line.
  - 1. No stockpiles, waste piles, processing or manufacturing equipment, may be closer than one thousand (1,000) feet.
  - 2. No part of the quarrying feet, private access road, truck parking area, scales, or operational equipment, may be closer than five hundred (500) feet.
- E. Street Setbacks. From the right-of-way line of a public street, no part of the mineral recovery pit, stockpiles, waste piles, processing or manufacturing equipment, scales, or operational equipment, may be closer than one hundred (100) feet.
- F. Property Line Setbacks.
  - 1. No part of the quarrying pit, stockpiles, waste piles, processing or manufacturing equipment, may be closer than two hundred (200) feet.
  - 2. No private access road, truck parking area, scales, or operational equipment, may be closer than one hundred (100) feet.
  - 3. Where a quarry property abuts another quarry property or an operating railroad's right-of-way property, no part of the quarrying operation except an access road may be closer than fifty (50) feet.
- G. Driveway. The driveway to the facility shall be paved within two hundred (200) feet from the street line.

- H. Mineral recovery operations shall have direct access to a minor arterial road.
  - 1. Restoration or Reclamation Requirements.
  - 2. Restoration Required. Within two (2) years after the termination of quarrying operations, the area of actual mineral recovery operations must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.
  - 3. Restoration Standards. In rehabilitating the area of actual mineral recovery operations, the owner or operator must comply with the following standards:
    - a. Removal of Plant and Equipment. Within two (2) years after termination of operations, all plant and equipment must be removed, except where the plant and equipment is still used for processing earth material from other properties. If substantially covered, foundations and piers may be left in the ground.
    - b. Reporting of Operational and Restoration Information. In order to keep the Zoning Officer abreast of impending termination of mineral recovery operations and plans for restoration as well as operational activities which he/she has a duty to check, each mineral recovery owner or operator must submit to the Zoning Officer, annually in the month of October, the following information:
  - 4. Operational Data.
    - a. Ownership and acreage of the land which is the site of quarrying operations, including all land held under contract or lease.
    - b. Type of earth resources quarried.
    - c. Present depth of quarrying operations.
  - 5. Location map, at a scale of one (1) inch equals one hundred feet (100'), or such other scale acceptable to the Township, showing:
    - a. All land owned or under option, contract or lease.
    - b. Lot or land quarried.
    - c. As practical, contours at twenty foot (20') intervals extending beyond the site to the nearest public street or highway.
    - d. Private access roads and abutting streets and highways.
    - e. Existing structures.
    - Existing stockpiles and waste piles.
    - g. Title, scale, north point, and date.
    - h. Fencing and screen planting. If fencing is vegetation, give details of size and type.
- I. Hours of operation shall be 9:00 a.m. to 2:00 p.m.
- J. Signs to Alert Trucks Entering and Leaving a Highway during hours of operation.

# 443. Mini-storage facility.

Mini-storage facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Parking for the individual storage units shall be provided by parking/driving lane adjacent to the buildings. These lanes shall be at least 20 feet wide where access to storage units is only on one side of the aisle and at least 24 feet wide where access to storage units is on both sides of the aisle.
- B. If a manager/business office is established on the site, at least four parking spaces must be provided adjacent to the office.
- C. The servicing or repair of stored equipment shall not be conducted by tenants on the premises. Also no business activities shall be conducted within the storage units.
- D. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
- E. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
- F. All outdoor lights shall be shielded to direct light onto the uses established and away from adjacent property.
- G. All access drives, parking and loading area must be paved or covered with crushed stone so as to render such area dust-free and passable In all weather conditions.

#### 444. Mobile home park.

Mobile home parks must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The minimum parcel size for any mobile home park development shall be ten (10) acres. No more than forty percent (40%) of the subject property shall be covered with buildings, parking and loading areas and /or other impervious surfaces.
- B. The maximum number of mobile home units shall be limited to four per gross acre.
- C. No single mobile home lot shall contain less than five thousand, (5,000) square feet.
- D. No mobile home lot shall be within fifty feet (50') of a park boundary, nor within fifty feet (50') of an outside street right-of-way. This area shall constitute the mobile home park boundary area.
- E. Each mobile home lot shall have a minimum front yard of thirty feet (30'), rear yard of twenty-five feet (25'), and two sides of ten feet (10') each. In no case shall the distance between any two mobile homes be less than twenty feet (20')
- F. A paved concrete on-site walkway of a minimum width of three feet (3') shall be provided to each mobile home unit from an adjacent street.
- G. There shall be a paved concrete common walk system four feet (4') wide throughout the development.
- H. All roads in the park shall be at least eighteen feet (18') wide and have paved surfaces and shall be private driveways. All roads in the park shall be lighted according to the Lewis Township Subdivision and Land Development Ordinance.

- I. Each mobile home lot shall abut on a park access drive with access to such access drive. Access to all mobile home lots shall not be from public streets or highways.
- J. Each mobile home space shall contain no more than one (1) mobile home, nor more than one (1) family.
- K. No less than forty percent (40%) of the total mobile home park area shall be set aside for recreation and open space purposes.
- L. No service buildings or offices maybe constructed within the required recreation and open space area, except for recreational structures.
- M. Walking paths shall be provided throughout the common open spaces. Areas along waterways shall be preserved as natural greenways.
- N. Each mobile home stand shall have attachments for waste disposal, water supply facilities and electrical service, and such facilities shall be properly connected to public sewage disposal, water and electrical supply. Fire hydrants shall be provided to meet the specifications of the Insurance Services Office of Pennsylvania (or its successors), and in every case in sufficient numbers so that every mobile home and structure shall be within six hundred feet (600') of a hydrant (measured by way of accessible streets).
- O. Protective skirting shall be placed around the area between the ground surface and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions.
- P. No travel or vacation trailer or other form of temporary living unit shall be placed upon any mobile home stand or used as a dwelling within the mobile home park.
- Q. Individual mobile home owners may install accessory or storage sheds, extensions and additions to mobile homes and exterior patio areas. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard and in every case, shall substantially conform in style, quality and color to the existing mobile homes.
- R. Each mobile home shall be provided with a minimum of two (2) parking spaces which shall be located on the mobile home space.
- S. All standards set forth in the International Residential Code (2003), as amended or superseded.
- T. All mobile home parks shall be screened from adjoining properties and roads. Screening methods shall be described and graphically depicted as part of the conditional use. All existing deciduous trees and evergreen trees greater than four inches in width or fifteen (15) feet in height within the buffer area shall be preserved except where clearance is required to provide access ways or required sight distances or except where replaced by healthier trees or trees of a different species. Every mobile home lot or space shall contain at least two trees, with the deciduous trees having a width of four (4) inches and the evergreen trees having an initial height of four feet.
- U. Storm water and runoff control facilities shall be developed in conformity with the requirements of Lewis Township.
- V. Liquefied petroleum gas systems. The design, installation, construction and maintenance of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to the provisions of the National Fire Code, NFPA 58, and latest revision.
- W. Maintenance of facilities. The operator and owner shall be responsible for maintaining all common facilities, including but not limited to roads, parking areas, sidewalks or pathways, common opens space, water supply and sewage disposal systems and service buildings, in a condition of proper repair, maintenance and cleanliness in compliance with applicable township ordinances, codes and regulations.

# 445. Multifamily dwelling(s).

Multifamily dwellings must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. In the case of a multi-family dwelling where the dwelling units are located on a single lot and share with other units a common yard area (e.g., garden apartments), the following requirements shall apply:
  - 1. Lot area: Forty thousand (40,000) square feet.
  - 2. Lot width: 150 feet minimum.
  - 3. Side setback: Minimum side setbacks of 15 feet each shall be provided from the property line.
  - 4. Density. The maximum density shall be 10 dwelling units per acre of lot area.
  - 5. Distance between buildings: Where two or more multifamily dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 40 feet.
  - 6. Length of buildings: 200 feet maximum.
  - 7. Public water and public or community sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.
  - 8. Buffers and screens conforming to the requirements of Lewis Township and shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
  - 9. All parking areas shall be located at least ten (10) feet from any property line or street line.
- B. In the case of a multi-family dwelling where individual dwelling units are located on separate lots (e.g. Townhouses or row houses), the following requirements shall apply:
  - 1. Lot area: Each lot shall have a minimum area of two thousand (2,000) square feet.
  - 2. Lot Width: Each lot shall have a minimum width of twenty (20) feet.
  - 3. There shall not be more than six (6) dwelling units in any one row.
  - 4. Dwelling units at the end of a row shall have a minimum side setback of twenty (20) feet.
  - 5. Public water and public or community sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.
  - 6. Density: The maximum density shall be twelve (12) dwellings units per acre for the tract.
  - 7. All parking areas shall be located at least ten (10) feet from any property line or street line.
- C. Provisions for the future maintenance of all common areas including, but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a property association, shall be subject to the approval of the Board of Supervisors.

# 446. Multi-Family Residential Conversion.

- A. Where an existing dwelling is converted to a multi-family dwelling, the character of the existing structure shall be maintained except for the addition of a fire escape if necessary.
- B. Parking, minimum habitable floor area and all other applicable requirements of this Ordinance shall be met.
- C. Public water and public sewer approved by the PA DEP must be utilized or satisfactory evidence must be submitted to assure that the new existing on-site system is capable of adequately serving the proposed use or additional units.
- D. The structure shall comply with all State and local applicable rules and regulations including, but not limited to, fire, health, safety and building codes.

# 447. No-Impact Home-Based Business

- A. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
  - 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - 2. The business shall employ no employees other than family members residing in the dwelling.
  - 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - 4. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
  - 5. The business activity may not use equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  - 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  - 7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
  - 8. The business may not involve any illegal activity.

#### 448. Nonconformity, expansion of.

In any zone and subject to the requirements of that zone in which located except as herein modified and provided:

- A. Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this chapter or any amendment thereto creating the nonconformity.
- B. The total of all such expansions of use shall not exceed an additional 35% of the area of the footprint of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings first became nonconformities.
- C. Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this chapter.

- D. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
- E. Appearance should be harmonious with surrounding properties. This feature includes, but is not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- F. Buffers and screens shall be provided in accordance with the requirements of Township regulations.
- G. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities except as provided for in this ordinance.

#### 449. Outdoor commercial recreational establishment.

Outdoor commercial recreational establishments must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Setbacks. The area to be used for recreational purposes must be set back at least 50 feet from any property or street line.
- B. Exterior lighting shall be directed away from all adjoining properties.
- C. Where an outdoor recreational use, other than a golf course, adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.
- D. Depending upon the specific nature of the proposed use, additional screening or buffering may be required to protect adjoining properties.
- E. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.
- F. The following standards for uses and performance standards shall be applicable to golf courses:
  - 1. The course shall be comprised of at least 18 holes.
  - 2. Minimum length from median tee location to the center of the green for the 18 holes shall not be less than 3,000 yards.
  - 3. Minimum area occupied, maintained and operated as the golf course shall not be less than 100 acres, measured and calculated by utilizing the minimum setback distance set forth in Subsection F(9) hereinafter as the exterior boundary of the golf course. The area of any golf course shall be delineated on the development plan, and shall include (and shall be defined as) the area of all greens, all tees, all fairways, typical and/or delineated "rough" areas, cart path alignments necessary to reasonably play the course, and the areas (acreage) of the clubhouse, pro shop, driving range, maintenance building and parking lot(s). Easements over private property may be included to allow errant ball retrieval (which easements shall not be included in the area of the golf course). The minimum gross acreage of the golf course property, in and upon which a golf course may be located, shall be 150 acres
  - 4. The course shall be designed so that golf balls are highly unlikely to enter any existing public or private roads, streets and/or rights-of-way and property not a part of the golf course.
  - 5. A clubhouse (with restaurant and food service facilities), pro shop, driving range, maintenance building and parking lot(s) shall be permitted. These facilities, with the exception of parking lots, shall be a minimum of 150 feet from any exterior perimeter property line (whether existing or subsequently created) of the golf course property. Parking lots shall be set back a minimum of 75 feet from any public road right-of-way line, and a minimum of 100 feet from any exterior property line (whether existing or subsequently-created) of the golf course property.

- 6. Any outdoor lighting shall be designed in such a way that the lighting is not directed toward or intrusive upon any properties adjacent to the golf course property. All lighting shall be directed away from public road rights-of-way.
- 7. Maximum auxiliary building coverage: No more than 0.5% of the gross acreage of the golf course property shall be covered and/or utilized for the clubhouse, pro shop and maintenance building.
- 8. Maximum impervious surface coverage [including parking lot(s), whether paved or gravel] shall be no more than 5% of the gross acreage of the golf course property.
- 9. The edges of fairways and greens shall be set back a minimum of 40 feet from any existing property or lot line, street right-of-way line and/or parking area.
- 10. The design of the golf course shall prohibit the driving or hitting of golf balls across any building, street or parking area, whether existing or proposed.
- 11. No outdoor storage of maintenance equipment shall be permitted, with the exception of large items, such as tractors and tractor-drawn mowers, which may be parked and stored outside, in the immediate vicinity of the maintenance building. Golf carts shall be stored indoors or, if stored outside, shall be screened from view, with fencing and/or landscaping, from adjoining public roads and neighboring properties.
- 12. Parking shall be provided in accordance with Township regulations.
- 13. The applicant shall provide documentation, prepared by a professional engineer or geologist, that no well or natural water supply within the radius of influence, or, at a minimum, within 1/4 mile of any boundary of the golf course development water source, will be adversely impacted by the water usage for the golf course.
- 14. The golf course shall be designed so as to mitigate the environmental impact thereof with regard to soil conservation and storm water runoff concerns. The golf course shall be designed to minimize storm water runoff and to accommodate runoff from associated developmentareas (with specific reference to the then-current edition of the Best Management Practices for Developing Areas in Pennsylvania manual prepared under the direction of the Association of Pennsylvania County Conservation Districts). In addition, the golf course shall be designed to minimize the need for fertilizers, to minimize site grading, to minimize runoff of fertilizers, pesticides and herbicides, and utilize primarily native vegetation. The golf course and any housing development therein shall be subject to, and shall comply with, existing storm water management requirements.

# 450. Outdoor trap, skeet rifle, pistol or archery range

- A. Minimum lot area: Ten (10) acres.
- B. Minimum lot width: Three (300) feet.
- C. The land development plan shall show the shot fall zone in accordance with the National Rifle Association (NRA) guidelines for various types of ranges (NRA Range Development Manual). Adjacent areas must be predominantly undeveloped and the range area must be at least two hundred (200) feet from any property or street right-of-way line or in accordance with the shot fall zone and the guidelines of the NRA.
- D. The shot fall zone must also be located at least 1,000 feet from any property lines.
- E. An earthen background berm must be provided within twenty (20) feet of the farthest target post to prevent wild or ricocheting bullets or wild or stray arrows. The berm shall meet the following requirements.

- 1. The berm shall have a slope of not less than one (1) vertical to two (2) horizontal and must extend at least eight (8) feet above the ground level of the highest target.
- 2. The crest of the berm at the eight (8) foot minimum height limit shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall..
- 3. Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm.
- F. Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
- G. Warning signs must be posted at least ten (10) feet from the outside of the berm of sufficient size to be read outside the shot fall zone.
- H. The firing range shall be free of gravel and other hard surface materials and be adequately drained.
  - 1. Adult supervision must be provided for children under sixteen (16) years of age.
- J. The Zoning Hearing Board may require an NRA Range Valuation by an NRA site assessment team prior to range development.
- K. Hours of operation shall be limited for trap, skeet, rifle and pistol ranges to daylight hours, Monday through Saturday, with no Sunday operations.

# 451. Park or other open space area of a nonprofit nature.

Parks or other open space areas of a nonprofit nature must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic, then access shall be via a minor arterial or major collector road.
- B. The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting, and similar features of the proposed use to minimize adverse impacts on adjacent properties.
- C. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

#### 452. Permanent agricultural roadside stands

- A. Display structures shall be located at least twenty-five (25) feet from any side or rear property line; or as required by the underlying zone, whichever is greater.
- B. The structure shall be set back at least twenty-five (25) feet from the street right-of-way.
- Off-street parking shall be provided for all employees and customers.

# 453. Personal service business or professional or business office.

Personal service businesses or professional or business offices must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Parking. Off-street parking shall be provided in accordance with Township regulations. Any secondary use (for example, an apartment) must also meet the requirements of the Township, in addition to those requirements for the primary use.
- B. One attached business sign is permitted. The maximum allowable size is six square feet.

# 454. Places of Worship.

#### A. Permitted uses:

- 1. Places of worship including churches, synagogues, temples, chapels, halls and the like.
- 2. Religious education building but not parochial schools.
- 3. Recreation buildings when accessory to worship activity.
- 4. Residences when related to worship activity, such as parish house, manor, convent and the like.
- B. Area and Bulk Regulations All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
  - 1. The minimum lot size shall be one (1) acre; however, If the sanctuary shall have space for more than five hundred (500) persons one (1) additional acre shall be required for each additional one hundred (100) persons or portion thereof.
  - 2. The minimum front, side and rear yards shall be fifty (50) feet.
  - The maximum lot coverage (principle and accessory buildings) shall be twenty percent (20%).
  - 4. The minimum open area shall be thirty percent (30%).
  - 5. The maximum building height shall be three (3) stories, not to exceed forty-five (45) feet, except that steeples, towers, domes and similar architectural features may exceed this maximum by one (1) foot in height for each two (2) feet the building is set back from the street or front property line.

#### C. Parking requirements.

- 1. Assembly halls and/or areas: One (1) space per two hundred (200) square feet of floor space or one (1) space per five (5) seats, whichever is greater.
- 2. Parish house and/or similar place of residence: Two (2) spaces.
- 3. Convents and similar uses: One (1) space for every two (2) residents.

# 455. Planned golf community.

- A. A planned golf community property shall only be located in areas of the Agriculture Zone (A) district that abut or are contiguous with or adjoin a Rural Residential Zone (RR). The residential development (housing) area of a planned golf community shall be limited to 30% of the acreage remaining after that taken up by the golf course.
- B. A maximum density of 4.3 dwelling units per acre shall be permitted within the PGC's development area.
- C. No on-lot sewage disposal or well water supplies shall be permitted for the residential units, e.g., the residential units shall be connected to and serviced by central public or community water and sewer systems; provided, however, that the golf course clubhouse, pro shop and maintenance building may utilize on-site well water supply(ies) and duly permitted on-lot sewage disposal until the commencement of construction of the development's residential units and the provision of central public or community water and sewer services in conjunction therewith.
- D. No groundwater withdrawals (e.g., from wells) for irrigation of the golf course shall be permitted.

- E. The following additional standards, limitations and requirements shall apply to the residential development (housing) within the Planned Golf Community, which shall prevail in the event of any conflict or inconsistency with the provisions of Cluster housing development;
  - 1. Single family detached and semidetached, duplexes, quadraplexes and townhouses shall be permitted, in order to address and accommodate community housing needs and demands.
  - Minimum required setbacks between structures;
    - a. Front to front 60 feet.
    - b. Front to side; 60 feet.
    - c. Front to rear; 60 feet.
    - d. Side to rear; 25 feet.
    - e. Side to side; 10 feet.
    - f. Rear to rear; 50 feet.
    - g. Corner to corner; 10 feet.
  - 3. Maximum structural separation; No dwelling or residential structure, regardless of housing type, shall be further than 30 from another dwelling or residential structure.
  - 4. Minimum structural setback from a lot line; five feet.
  - 5. Maximum building height; not to exceed 35 feet.
  - 6. All garages shall be accessed from service alleys, courtyards, or other accessways, but not from the streets of the PGC.
  - 7. Streets within the PGC shall not be laid out in a rectilinear grid fashion, but, instead, shall be designed with curves and "jogs," so as to encourage vehicular speed-calming.
- F. The planned golf community's golf course(s) shall be subject to, and shall comply with, the requirements set forth in Outdoor commercial recreational establishment, standards for golf courses, except as follows;
  - No parking lot shall be located closer than 100 feet from a street right of way or a property line; and
  - 2. All storage of maintenance equipment shall be either indoors or shall be screened, by use of fencing and/or landscaping, from view from public roads and neighboring properties.

#### 456. Principal Waste Handling Facilities.

- A. Any processing, treatment, or both, of waste (including, but not limited to, incineration, composting, steaming, shredding, compaction, material separation, refuse-derived fuel, etc.) shall be conducted within a completely enclosed building.
- B. No waste shall be deposited, stored or disposed of, and no building or structure shall be located within one hundred (100) feet of any property line.
- C. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line, (The use of an earthen berm is encouraged where practical.) In addition, such areas must also be completely surrounded by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.

- D. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- E. The use shall be screened from all adjoining properties.
- F. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed, unloaded, or both, will not back-up onto public roads.
- G. All driveways onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drive are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- H. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Access to the site shall be limited to those posted times when an attendant is on duty.
- I. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township.
- J. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator.
- K. Any waste that is to be recycled or transferred shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
- L. All storage of waste shall be indoors in a manner that is leak- and vector-proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
- M. A contingency plan for the disposal of waste during a facility shutdown shall be submitted to the Township.
- N. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a public or alternative sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection regulations.
- O. All structures shall be set back at least a distance equal to their height.
- P. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public services, indicating quantity of water required. If the source is from a public system, the applicant shall submit documentation that the public authority will supply the water needed.
- Q. In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is adequate supply water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.
- R. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.

- S. A water feasibility study shall include the following information:
  - 1. Calculations of the projected water needs.
  - 2. A geologic map of the area with a radius of at least one mile from the site.
  - 3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.
  - 4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
  - 5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
  - Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  - 7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
  - 8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- T. The applicant shall provide a qualified traffic analysis, as described in the Lewis Township Subdivision and Land Development Ordinance.
- U. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
- V. The applicant shall furnish expert testimony regarding emergency preparedness measures provided or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site.
- W. No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.
- X. Operational hours are from dusk till dawn (daylight hours only).

# 457. Processing of farm products and warehousing, sale or service of equipment, feed or supplies in the Agricultural Zone.

Processing of farm products and the warehousing, sale, or service of agricultural equipment, feed or supplies must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The owner or other person having primary interest in the proposed industrial use shall reside on the same parcel of land therewith;
- B. Unless cause is shown to the contrary and specific limits are established, the operation of any such proposed industrial use shall be contained within buildings in existence on the effective date of this chapter;
- C. No property adjacent to the proposed use shall be adversely affected; and
- D. The land area devoted to such use shall not exceed five acres or 10% of the lot area, whichever is less

E. An owner of land may establish and/or operate a limited winery (as that use is defined and regulated by Section 5-505.2 of the Pennsylvania Liquor Code [47 P.S. § 5-502.2] at the date of the adoption of this subsection).

# 458. Public buildings.

Public buildings must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Setbacks. All buildings and facilities shall be set back at least 25 feet from any property line and 50 feet from a street right-of-way line.
- B. All off-street parking shall be at least 10 feet from adjoining property lines.
- C. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic, then access should be via a minor arterial or major collector road.

#### 459. Public utility buildings and/or service structure.

Public utility buildings and/or service structures must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. In the R Zone, the storage of vehicles or equipment used in the maintenance of a utility shall not be permitted.
- B. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, vibration, smoke and odor) No equipment causing unreasonable noise, vibration, smoke, odor or hazardous effect shall be installed in a residential zone.
- C. The external design of the building (to the extent possible) shall be in conformity with the buildings in the surrounding area.
- D. There shall be no specific minimum lot size or lot width, however, each lot shall provide front, side and rear yard setbacks in accordance with the zone in which located.
- E. There shall be no maximum lot coverage requirement, provided that a storm water management plan for the site is approved by the Township Engineer.
- F. Anything in this ordinance or in the Subdivision and Land Development ordinance, to the contrary notwithstanding, whenever the Township is the entity constructing a public sewer system or a public water system, no dimensional requirements, use requirements, or special exception procedures shall be applicable. The public water system or public sewer system shall be developed and built as the Board of Supervisors determines is in the best interest of the health, safety and welfare of the residents to be served, without regard to regulations addressing lot area, lot frontage, building setback lines, lot coverage, location, special exception procedures, or use restrictions, applicable in the district where the system and/or its facilities are proposed to be built. Nothing herein shall be deemed to relieve the Township from meeting Commonwealth of Pennsylvania and federal regulations and permit requirements.

#### 460. Recycling collection center.

Recycling collection centers must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

A. Not more than six containers shall be permitted.

- B. All containers must be closed containers.
- C. The recycling collection area must be totally enclosed with a fence or wall meeting the requirements of Lewis Township.
- D. The center must be secured at all times when supervision is not on site.
- E. Specific hours of operation must be designated and posted on the site. Such hours shall be subject to the approval of the Zoning Hearing Board.

#### 461. Rehab Facilities.

- A. All rehab facility development proposals shall submit a plan that details and reports on the entire goals and objectives of the facility once built.
  - 1. Minimum of one (1) acres.
  - 2. Maximum of twenty-five (25) acres.
  - 3. Must show all buildings on the development plan and provide a description of all proposed buildings and facilities.
  - 4. Provide a fifty foot (50') buffer around the entire parameter of the development plan.
  - 5. The gateway (primary entrance) of the development shall be landscaped and contain an official identification sign.
  - 6. Facility signage shall be posed throughout the facility to guide all visitors to each individual operating building on site.
  - 7. Parking shall not be located within the front or side setback yard.

#### 462. Research laboratory.

Research laboratories must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Consideration shall be given to traffic problems. If the nature of the use is such that it will generate a high volume of traffic then access should be via a collector road.
- B. Truck loading and unloading areas shall be shielded from the main roads servicing the facility.
- C. Accessory buildings, when such are required for the function of the principal use(s), are permitted provided that all such accessory buildings comply with all setbacks, and screening as are required for principal buildings.
- D. Satisfactory provision shall be made to minimize harmful or unpleasant effect such as noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes as determined by the Zoning Officer.

#### 463. Resort lodge.

Resort lodges must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all of the additional requirements and standards stated hereinafter.

A. Resort lodge permitted uses. A resort lodge may offer the following amenities and uses: office; lobby; guest lodging rooms and suites; restaurants; coffee shops and cafes; cafeterias and dining halls; conference facilities; weddings and similar events; recreational facilities, including but not limited to

walking trails, swimming pools, tennis courts, handball courts, basketball courts, spas, children's playgrounds, interior game rooms and interior arcades, volleyball courts and other similar recreational facilities. Excluded from resort lodges are medical and mental clinics, sanitaria, halfway houses, treatment facilities, rehabilitation facilities, and any facility where human beings are housed under legal constraint.

- B. The minimum size of contiguous property ownership shall not be less than 50 acres. For purposes of this criterion, contiguous tracts under the same ownership may be added together to achieve the required minimum area. While the property is operating as a resort lodge, the tracts shall function as a singular unit and shall not be conveyed separately during the life of this land use.
- C. The primary places of gathering associated with the facility, such as the overnight accommodations, dining facilities, parking areas, etc., shall be set back a minimum distance of 100 feet from all property lines.
- D. Maximum impervious coverage shall not exceed 10% of the net owned parcel area.
- E. Parking shall be provided in accordance with the requirements for "Hotel, motel" of this ordinance.
- F. No more than 10% of the land area (see Subsection B above.) shall be cleared of forest or mature woods as a part of the development and/or operation of the project. For purposes of compliance with this standard, the forested area shall be defined as that which can be observed in place as of the date of adoption of this section.
- G. Any outdoor lighting shall be designed in such a way that the lighting is not directed toward or intrusive to any adjoining properties or public road rights-of-way.
- H. Potable water and sanitary sewer facilities shall be approved and regulated by the Pennsylvania Department of Environmental Protection. In the event that public facilities are available, or are made available, within 150 feet of the buildings on the resort lodge property, connection to these facilities shall be required.

#### 464. Restaurants.

Restaurants must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- B. All off-street parking and/or loading areas shall be screened from adjoining residences and roads.
- C. All restaurant seating shall be provided within the completely enclosed building, except that limited exterior seating may be provided if:
  - 1. Such seating is situated and designed so as not to adversely impact nearby residences.
  - 2. Such seating is accessory to the principal interior seating accommodations.
  - 3. During use, such seating is continuously supervised by an employee or owner of the restaurant.
  - 4. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties.
  - 5. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.
- D. The proposed restaurant shall offer the preparation and serving of food and drink to be consumed on the premises. No drive-through or takeout services shall be permitted.

# 465. Restaurant, drive-through and/or fast-food.

Drive-through and/or fast-food restaurants and caterers must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The subject property shall front on a minor arterial or major collector road.
- B. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.
- C. All drive-through window lanes shall be separated from the parking lot's interior driveways.
- D. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- E. All exterior seating/play areas shall be completely enclosed by a three-foot-high fence.
- F. No part of the subject property shall be located within 100 feet of any residentially zoned land.
- G. For restaurants with drive-through windows, sufficient on-site stacking lanes shall be provided to prevent vehicle backups onto adjoining roads.

# 466. Retail Sales, Rental or Both.

- A. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- B. Retail sale, rental, or both, of goods shall be limited to the following items or similar uses:
  - 1. Card, stationary, magazine, book, or newspaper shops (excluding adult-related uses).
  - 2. Prerecorded music, video or spoken word products (excluding adult-related uses).
  - 3. Wine and cheese shops.
  - Sporting goods stores.
  - Musical instrument shops.
  - 6. Tobacco and smoking accessories supplies.
  - 7. Photographic, video, audio, and electronic components and accessories (excluding adult-related uses).
  - 8. Clothing and shoe boutiques.
  - 9. Flower, balloon and gift shops.
  - Jewelry watches and clocks.
  - 11. Art and drafting supplies and studios.
  - 12. Computers, software and other office supplies.
  - 13. Craft supplies; baskets, fabrics, and other notions.
  - 14. Toy and hobby stores.
  - 15. Telephone, vacuum cleaner and other small domestic appliance centers.

- 16. Prosthetic devices.
- 17. Perfumes, soaps, lotions, powders, and similar items.
- 18. Draperies, paint and wallpaper showrooms.
- 19. Bed and bath supplies.
- 20. Kitchenware, cookware and dinnerware.
- 21. Eyeglass and hearing aid showrooms and offices.
- 22. Drugstores.
- 23. Grocerettes and specialty food stores, excluding automobile filling facilities.
- 24. Religious articles and artifacts.

#### 467. Riding schools and horse boarding stables.

- A. Any structure used for the boarding of horses shall be setback at least two hundred (200) feet from any property line.
- B. All stables shall be maintained so to minimize odors perceptible at the property line.
- C. All outdoor training or show facilities or areas shall be setback one hundred (100) feet from all property lines.
- D. All outdoor training, show, riding or boarding areas shall be enclosed by a minimum four (4) foot-high fence, which will be located at least ten (10) feet from all property lines.
- E. All parking lots and unimproved overflow parking areas shall be setback at least ten (10) feet from adjoining lot lines, unimproved overflow parking areas shall be marked to delineate occasional parking facilities.

#### 468. Rural Occupations.

- A. Only one (1) rural occupation may be conducted on the same property as the owner's principle residence.
- B. A rural occupation shall only be conducted within one (1) completely enclosed outbuilding that satisfies at least one (1) of the following:
  - 1. The building will remain the same size and in the same location as it existed on the effective date of this section.
  - 2. The building is limited to one (1) story in height or fifteen (15) feet, whichever is lesser, is not larger than the square footage that comprises the principal residence's main grade level or one thousand (1,000) square feet, whichever is lesser, and is located in the rear yard of the principle residence.
- C. In no case shall any rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the principle owner of the business resides on the site.
- D. In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and other accessory uses.

- E. All off-street parking spaces shall be screened from adjoining roads and properties.
- F. No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principle residence so long as it is screened from adjoining roads and properties.
- G. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted.
- H. Only one (1) nonresident of the site may be employed in the rural occupation. For the purposes of this section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation.
- I. Rural occupations shall only be conducted between the hours of 6 a.m. and 9 p.m.
- J. No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for the treatment of wastewater generated on the site.
- K. Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation.
- L. The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the principle residence.
- M. Evidence shall be provided indicating that the use of all materials and disposal of wastes will be accomplished in a manner that complies with State and Federal regulations.

# 469. Sale of Agricultural Products Not Produced on the Premises.

- A. Area-wide farmers are permitted to sell their niche goods and products on properties other than their farm property under the following conditions:
  - 1. Written permission must be received from the impacted property owner to construct a "temporary market" capable of selling agricultural products.
  - 2. A sketch plan of the market layout must be provided to the Township as well as written information about the type of sales and length of operation.
  - 3. The length of operation shall be a maximum of six (6) months.
  - 4. The following agricultural products are permitted for sale: garden plants and garden accessories, perennials flowers, seasonal vegetable and fruit plants, pumpkin and hay bale sales, fishing bait, canned goods, and bakery goods.
  - 5. It is recommended that all fresh produce is kept covered either by canvas or temporary structure.
  - 6. A controlled access parking lot must be established for the temporary market. Signs for parking lot entrance/exist must be posted.
  - 7. A minimum of five (5) parking spaces, not including a market owner parking space, must be provided. Each parking space shall be ten (10') x eighteen (18') feet.
  - 8. Gravel parking lots are permitted.
  - 9. Hours of operation and longevity of seasonal sales must be posted.

# 470. Sanitary Landfill or Incinerator.

- A. Such facility shall be established and operated in accordance with the applicable requirements of all regulating bodies such as the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.
- B. A minimum lot area of twenty-five (25) acres is required.
- C. No sanitary landfill operation or incineration shall take place within five hundred (500) feet of any street or property line.
- D. The lot shall have direct access to a minor arterial road or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
- E. It shall be demonstrated that the use, because of its location and proposed method of operation, will not have an adverse effect upon any surrounding residential properties.
- F. Fencing, screening, and buffering shall be provided as determined by the Zoning Hearing Board.
- G. An environmental impact assessment shall be provided including any additional requirements deemed appropriate by the Zoning Hearing Board.

#### 471. Sawmills.

- A. Vehicular access to the sawmill shall be via a minimum twelve foot (12') wide access drive that includes a fifty foot (50') paved apron adjacent to the street, beyond which the access drive can have a stone surface.
- B. All aspects of the sawmill operation (except access drives) shall be set back no less than two hundred feet (200') from all property lines, and three hundred feet (300') from any property within the other zones.
- C. All sawmill by-products shall be routinely disposed of.

#### 472. Schools.

- A. All buildings shall be set back at least one hundred feet (100') from any adjoining land within a residential zoned/used.
- B. No part of a school property shall be located within one thousand feet (1,000') of a property containing an adult-related facility, nor three hundred feet (300') of a property containing an automobile filling station.
- C. If education is offered below the college level, an outdoor recreation area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play area. Outdoor play area shall not be located within the front yard and must be set back twenty five feet (25') from all property lines. Outdoor recreation area shall be screened and separated by a six-foot-high fence from adjoining residentially-used property or properties. Any vegetative materials located within the outdoor recreation area shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
- D. Enrollment shall be defined as the largest number of students on the site at any one time during a seven day period.
- E. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

### 473. Service station or convenience store dispensing fuel.

Service stations or convenience stores dispensing fuel must meet all of the requirements in the district where such special exception use is permitted except as modified hereinafter and all additional requirements and standards stated hereinafter:

- A. Buildings must be set back at least 40 feet from the street right-of-way line.
- B. Pumps must be set back at least 15 feet from the street right-of-way line.
- C. Access drives must be located as follows:
  - 1. Minimum offset from intersection of street right-of-way lines: 40 feet.
  - 2. Side lot line offset: 10 feet.
  - 3. Minimum width: 12 feet.
  - 4. Maximum width: 35 feet.
  - 5. Minimum separation of drives on same lot: 25 feet.
- D. Except along access drives, a concrete curb six inches in height must be placed along all street rightof-way lines.
- E. All lights must be diverted toward the service station or downward on the lot.
- F. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- G. At least 10% of the lot on which the facility is situated must be devoted to natural landscaping.
- H. A site circulation plan shall be devised that separates those patrons a waiting fueling service from those patrons awaiting other services. The plan shall include the following information:
  - 1. Location and dimensions of all structures and fuel pumps.
  - 2. Location and dimension of parking, landscaping areas and signage.
  - 3. Description of internal circulation and external access.
- I. Parking shall not be permitted between the main entrance of the store and the refueling bays.
- J. Minimum fuel pump setbacks shall be:
  - 1. Twenty (20) feet from the front yard setback line.
  - 2. Thirty (30) feet from all parking areas.

# 474. Shopping center or mall.

Shopping centers or malls must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

A. A shopping center consists of two (2) or more retail or restaurant establishments within the same development proposal. A shopping mall includes two (2) or more retail establishments that are connected with common walls.

- B. All shopping center shall comply with the following design standards:
  - 1. Shopping center with up to fifty thousand (50,000) square feet of gross floor area.
    - a. Minimum lot width is one hundred fifty (150) feet at the building setback line.
    - b. Required minimum yard setbacks.
      - i. Front yard is fifty (50) foot for buildings and structures (except permitted signs) from the street right-of-way; twenty (20) feet for off-street parking. No off-street loading or outdoor storage is permitted in the front yard.
      - ii. One side yard is thirty (30) feet for ends of buildings; ten (10) feet for parking and loading.
      - iii. Both side yards are sixty (60) feet for ends of buildings; twenty (20) feet for parking and loading.
      - iv. Rear yard is thirty (30) for buildings; ten (10) feet for parking and loading.
    - c. Minimum setback from residential districts is thirty (30) feet for buildings; ten (10) feet for offstreet parking and loading.
    - d. Maximum impervious lot coverage is sixty percent (60%).
    - e. Maximum building height is forty (40) feet.
  - 2. Shopping center with between fifty thousand (50,000) and one hundred thousand (100,000) square feet of gross floor area.
    - a. Minimum lot width is three hundred (300) feet at the building setback line.
    - b. Required minimum yard setbacks.
      - i. Front yard is one hundred fifty (150) feet from the street center-line for buildings; twenty-five (25) feet from the street right-of-way for off-street parking. No off-street loading is permitted in the front yard.
      - ii. One side yard is fifty (50) feet for ends of buildings; twenty (20) feet for parking and loading.
      - iii. Both side yards are one hundred (100) feet for ends of buildings; forty (40) feet for parking and loading.
      - iv. Rear yard is fifty (50) for buildings; twenty (20) feet for parking and loading.
    - c. Minimum setback from residential districts is one hundred (100) feet for buildings; fifty (50) feet for off-street parking and loading.
    - d. Maximum impervious lot coverage is fifty-five percent (55%).
    - e. Maximum building height is forty (40) feet.
  - 3. Shopping center with over one hundred thousand (100,000) square feet of gross floor area.
    - a. Minimum lot width is six hundred (600) feet at the building setback line.
    - b. Required minimum yard setbacks.

- i. Front yard is two hundred (200) feet from the street center-line for buildings; thirty (30) feet from the street right-of-way for off-street parking. No off-street loading is permitted in the front yard.
- ii. One side yard is fifty (50) feet for ends of buildings; twenty-five (25) feet for parking and loading.
- iii. Both side yards are one hundred (100) feet for ends of buildings; forty (40) feet for parking and loading.
- iv. Rear yard is fifty (50) for buildings; twenty-five (25) feet for parking and loading.
- c. Minimum setback from residential districts is one hundred fifty (150) feet for buildings; seventy-five (75) feet for off-street parking and loading.
- d. Maximum impervious lot coverage is fifty percent (50%).
- e. Maximum building height is forty (40) feet.
- B. The subject property shall front on a minor arterial or collector road, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines.
- C. All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials.
- D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- E. A traffic study shall be submitted by the applicant, in accordance with the Lewis Township SALDO.

#### 475. Tavern.

- A. No tavern shall be located within three hundred (300) feet of any residence or residentially zoned lands.
- B. The use must be more than three hundred (300) feet from any church, hospital, charitable organization, school or public playground.
- C. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light, and/or litter.
- D. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside of the building.
- E. Buffer yard requirements.
  - 1. A buffer yard of at least fifty (50) feet wide shall be provided where the site adjoins a residential use or zone.
  - 2. Screening shall be provided in accordance with Township regulations.
  - The buffer yard shall not be used for building, parking, loading or storage purposes.
- F. The use shall meet all applicable State and local regulations.

# 476. Truck or motor freight terminal.

Truck or motor freight terminals must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The terminal shall have direct access to a minor arterial road or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
- B. A buffer yard at least 25 feet wide must be located on the terminal site in all situations where the site adjoins a residential zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for parking, building, loading or storage purposes.
- C. Loading docks and truck maneuvering areas and terminals must be set back the following minimum distances from residential uses property lines or from property lines of properties located in a district other than the industrial (I) district:
  - 1. A truck terminal or motor freight depot must be at least five hundred (500) feet.
  - 2. A shipping or receiving dock must be at least three hundred (300) feet.
- D. A traffic impact study shall be required.
- E. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, smoke, fumes, glare and vibration.

# 477. Two-Family Dwelling Unit Structures.

- A. Each dwelling unit to be totally separated and inaccessible from the other by a wall extending from ground to roof or a ceiling and floor extending from exterior wall to exterior wall. Each dwelling unit is also to have an independent entrance either directly or through a common vestibule. Specific design requirements include:
  - 1. There shall be a fire partition having a fire-resistance rating of not less than two hours separating each individual dwelling unit in all two-family dwelling units.
  - 2. The foregoing provision shall apply to all common walls and commonfloors/ceilings separating attached dwelling units. Provided however, if the dwelling units are protected by an automatic sprinkler system.
  - 3. "R" District lot area requirements, lot layout, and lot dimension requirements apply to the construction of two-family dwelling unit structures.
  - 4. Two parking spaces per unit applies to two-family dwelling, unit structure.

# 478. Vehicle rental, sales, service and/or repair facility.

Vehicle rental, sales, service and/or repair facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Any lot used as a vehicle rental or sales facility must have erected thereon a building to be used for the display, rental and/or sale of vehicles. The outdoor display of such vehicles shall only be permitted as an accessory use to the required display, sales and/or rental building.
- B. All service and/or repair activities shall be conducted within a wholly-enclosed building.
- C. All vehicles shall be placed at least 30 feet from any street line.

- D. All exterior vehicle storage areas shall be screened from view of any adjoining residential zone or residential use.
- E. Except as otherwise provided herein, the storage of motor vehicles that do not have current and valid inspection stickers on vehicle rental, sales, service and/or repair facilities is prohibited. Such facilities may maintain on the premises, for a period no more than 60 days, motor vehicles that do not have current and valid inspection stickers or which are otherwise deemed "junk," provided that such vehicles are there to be repaired or are there for temporary storage prior to being sent elsewhere for repair or permanent disposal. Any vehicle that does not have a current and valid inspection sticker, or is otherwise classified as "junk," and remains on the said property for more than 60 days without being fully repaired, operational, registered and inspected shall be deemed to be the storage of junk and the creation and maintenance of a junkyard as that term is defined in this ordinance.
- F. The demolition or junking of vehicles is prohibited.
- G. If gasoline pumps are to be installed, all special exception requirements for a service station as set forth in this chapter shall be satisfied.
- H. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- I. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, and smoke.
- J. All merchandise, except vending machines, shall be stored within a building.

# 479. Warehousing and Wholesale Trade Establishments.

Warehousing and wholesale trade establishments having a gross floor area of seventy-five thousand (75,000) square feet or more when permitted are subject to the following criteria:

- A. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials and the methods for disposal of any surplus or damaged materials. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - 2. The general scale of the operation in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.
  - 3. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.
  - 4. A traffic study prepared by a professional traffic engineer with the following minimum considerations:
    - a. A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current references.
    - b. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the minor arterial and/or collector roads which will serve it, as well as any major intersection within the impact area.

- c. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.
- d. Assignment of future 24-hour and peak hour volumes to the minor arterial or collector roads, and other streets that wills serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by: an extrapolation of former development trends; and, the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
- e. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
- f. Capacity/level of service analysis on major intersections, which will be impacted by the additional volumes generated by the development.
- g. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.
- h. Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.
- i. Cost estimates of any proposed improvements that will be required.
- j. Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.
- k. Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.
- I. The source of standards used in the data as presented.
- m. The applicant, at their expense shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.

#### 480. Wind Energy Conversion Systems (Non-Public).

- A. One (1) windmill or wind wheel shall be permitted per property.
- B. The structure supporting the wind rotor unit, including any required supporting cables, etc., shall not be connected to any occupied structure and shall be located a minimum distance of the wind rotor unit tower height, plus ten (10) feet, from any occupied dwelling.
- C. The maximum height of the wind rotor and tower shall be determined as follows:

1.	Minimum Distances From	Maximum
	All Property Lines	Tower Height
	75 – 85 ft	35 ft
	86 – 95 ft	40 ft
	96 – 100 ft	45 ft
	More than 100 ft	50 – 75 ft

- 2. The tower height may be increase from fifty (50) feet up to a maximum seventy-five (75) feet, with the addition of each foot of height being added to the setback requirement.
- D. All mechanical equipment and buildings associated with the operation shall be enclosed with a six (6) foot fence. Each tower shall also be enclosed with a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.

- E. When a building is required for storage cells or related mechanical equipment, the building may not exceed one hundred fifty (150) square feet in area or eight (8) feet in height, and must be located at least seventy-five (75) feet from any property line.
- F. All electric and other utility wires associated with the Wind Energy Conversion System shall be buried underground.
- G. The application shall demonstrate that any noise emanating from the wind energy conversion system shall not exceed sixty (60) decibels measured at the nearest property line.
- H. If the wind energy conversion unit is abandoned from use, the tower and related structures shall be dismantled and removed from the property within ninety (90) days.
- I. The energy generated from the wind energy conversion system shall be used on the property on which it is located and shall not be operated as a commercial enterprise.

#### 481. Agricultural Business.

Any business related to (i) the processing or sale of agricultural products or supplies, or (ii) the sale, service or repair of agricultural equipment, products, or supplies. As used herein, processing does not include the processing or rendering of animals and no such use involving the processing or rendering of animals shall be considered an agricultural business

- A. The operations shall have no more than three employees at any one time, including part-time or full-time employees.
- B. The hours of operations shall be 7:00 AM to 6:00 PM and not otherwise operated or providing service to customers or the public beyond those hours.
- C. All exterior storage shall be screened.
- D. All parking that faces any residential unit or dwelling house shall be screened.
- E. The maximum area of the agricultural business shall not exceed two (2) acres.
- F. The maximum building improvement coverage shall be seven thousand five hundred (7,500) square feet.
- G. All processing of agricultural products or supplies as permitted by this section shall be performed in an enclosed structure.

# **ARTICLE V**

# **Nonconformities**

#### ARTICLE V - NONCONFORMING USES, STRUCTURES, AND LOTS

# 500. Purpose.

Except as otherwise provided in this Article, any non-conforming use or structure legally existing at the effective date of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the district in which it is located. All nonconforming lots, uses, or structures shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Article.

# 501. Register Of Nonconformities.

Within twelve (12) months following the adoption of this Ordinance, the Zoning Administrator shall develop a register of all non-conforming uses, structures, and lots.

#### 502. Abandonment Of Nonconforming Uses Or Structures.

If any non-conforming use or structure is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the district regulations. A non-conforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

# 503. Alteration And Reconstruction Of Nonconforming Uses And Structures.

- A. Repairs and structural alterations may be made to a non-conforming building or a building occupied by a non-conforming use.
- B. A non-conforming building which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:
  - 1. Reconstruction commences within one (1) year of the damage.
  - 2. Reconstruction shall not exceed the size, bulk and area that existed prior to the damage, unless approved by the Zoning Hearing Board.
  - The location of said reconstruction does not create a safety hazard.
  - 4. When the non-conformity is located within the 100-year floodplain, the new construction shall comply, to the extent required, with all flood proofing requirements contained in the Municipal Floodplain Ordinance.
  - 5. When the non-conformity is located within the Floodway portion of the 100-year floodplain, the reconstruction may not cause any rise in elevation of the 100-year flood.

#### 504. Extensions Or Enlargements Of Nonconforming Uses And Structures.

- A. Extensions or enlargements of non-conforming uses shall be permitted in accordance with the maximum permitted floor area percentage (FAP) and maximum impervious surface percentage (ISP) of the zoning district in which the non-conforming use is located (refer to Division 4200 for the FAP and ISP standards), provided that:
  - 1. The non-conforming structure or use is not located within the floodway of a 100-year floodplain.
  - 2. The expansion shall conform to the setback and height regulations of the district in which the structure or use is situated.
  - 3. In the case of a non-conforming use, be immediately adjacent to the existing nonconforming use.

- B. A non-conforming use shall not be extended to displace a conforming use.
- C. Nothing in this Article shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces and involving no structural alteration or enlargement of such structure.
- D. Extensions or enlargements of less than two-thousand (2,000) square feet to an existing nonconforming use or structure may be authorized by the Zoning Administrator via a Zoning/Development Permit.
- E. Extensions or enlargements of two-thousand (2,000) square feet or greater to an existing nonconforming use or structure must be approved by the Zoning Hearing Board prior to issuance of a Zoning/Development Permit.

### 505. Change Of Location Or Use.

- A. Change of Location. A non-conforming use shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- B. Change of Use. A non-conforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located except as provided in this Section.

# 506. Accessory Uses.

No use or structure which is accessory to a principal non-conforming use or structure shall continue after such principal use or structure has ceased or been removed, unless the accessory portion conforms to all regulations of this Ordinance. This Section shall prevail over any other provisions of this Ordinance that may be interpreted to the contrary.

# 507. Nonconforming Lots.

A lot which is non-conforming, but a legal lot of record recorded prior to the effective date of this Ordinance, shall be deemed a legal non-conforming lot and may be used for any principal use permitted in the zone in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements of the Pennsylvania Department of Environmental Resources for such wells and septic systems.

Setbacks for non-conforming lots of record shall comply with setbacks of the zoning district unless variances are granted by the Zoning Hearing Board. If a non-conforming lot is found to be in common ownership with abutting lands, the contiguous lots shall be considered a single parcel unless the parcel is redivided to conform to the dimensional requirements for new lots. A Zoning/Development Permit for construction on a vacant non-conforming lot shall only be issued after the granting of any necessary variances by the Zoning Hearing Board.

## 508. Grandfathering Provisions.

- A. Any project which received subdivision or land development approval consistent with the ordinance in effect prior to the effective date of this Ordinance shall be permitted to construct the project provided construction begins within five (5) years of the date of the adoption of this Ordinance based upon the approved subdivision and land development plan.
- B. Termination of Non-Conforming Status Required by Modification. Whenever there is a non-conforming use which is non-conforming with respect to signs, exterior lighting, landscaping, screening, buffering, parking, or any of the performance criteria and regulations specified in this Ordinance, such use shall be required to comply with all such requirements to the fullest extent possible as a precondition to issuance of a County Zoning/Development Permit. If compliance is not achieved, a variance approval shall be required prior to the issuance of a Zoning Permit.

# **ARTICLE VI**

# **Supplementary Regulations**

#### **ARTICLE VI - SUPPLEMENTARY REGULATIONS**

## 600. Purpose

The regulations set forth by this Article shall be minimum regulations and shall apply uniformly to each class of land use or kind of structure, except as provided herein.

## 601. Accessory Structures

- A. Unless otherwise indicated in the Ordinance, the following requirements shall apply to accessory structures.
- B. Attached Structures. An accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- C. Non-attached Structures. A non-attached structure, standing apart from the principal structure, shall meet the following requirements:
  - 1. A structure may be built in a side or rear yard, provided that such accessory structure shall be located not less than ten (10) feet from any lot line. Any structure built on a lot one (1) acre or less shall be located not less than five (5) feet from any lot line in all districts.
  - 2. No accessory structure, except agriculture roadside stands and school bus shelters, shall be built within any front yard unless authorized as special exception by the Zoning Hearing Board.
- D. Fences and Walls. The following regulations shall apply to the height and location of fences and walls.
  - No fence or wall (except a retaining wall, a wall of a building under the terms of this Ordinance, or a wall or fence In accordance with this Ordinance) shall be erected to a height of more than three
     (3) feet in the front yard area and more than six (6) feet in any other yard in the A, R and RR districts.
  - 2. No fence or wall (except a retaining wall, a wall of a building under the terms of this Ordinance, or a wall or fence with this Ordinance) shall be erected to a height of more than eight (8) feet in any yard in the C and I districts.
  - No fencing shall be erected which inhibits the sight distance at a street intersection or driveway or the clear sight triangle as established in the Lewis Township Subdivision and Land Development Ordinance.
  - 4. No fence shall be erected less than two (2) feet from any lot line unless written consent from adjoining property owners is obtained with the exception of agricultural fencing where no setback is required.

## 602. Lot Standards

- A. Lot Area. The area, width and depth of lots shall provide adequate area for off street loading, unloading, and/or parking space. Parcels with on-lot wastewater facilities shall be provided with area in addition to the above-mentioned areas to accommodate an on-lot wastewater system and a replacement area approved by the Township Sewage Enforcement Officer.
- B. Yard and Setbacks.
  - 1. Setbacks to Prevent Obstructions to Vision.
    - a. Walks, fences, signs, and vegetation shall not be permitted which cause danger to traffic on any street by obscuring the view.
    - b. A clear sight triangle in accordance with the Lewis Subdivision and Land Development

Ordinance shall be maintained and free from visual obstructions.

- All front setbacks shall be measured from the future right-of-way defined by the Lewis Township Subdivision and Land Development Ordinance and based on the functional classification of streets as defined in the Lewis Township Subdivision and Land Development Ordinance and PennDOT Publication 13M.
- 3. Corner Lots. A front setback shall be required from each street on a corner lot. A rear setback shall be required from all other property lines.
- 4. Reverse Frontage Lots or Through-Lots. A front setback shall be required from each street on reverse frontage or through-lots.
- 5. Front Setbacks on Built-up Streets. Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set backless than the required distance, the average of the setbacks of the adjacent properties becomes the required minimum front setback for the property. However, in no case shall the setback line be less than twenty (20) feet from any abutting, existing street right-of-way line.
- 6. Cul-de-sac Lots or Lots on Curved Streets.
  - a. The front setback shall be established from the street line arc a sufficient distance so that the building setback arc equals the minimum lot width required for the district.
  - b. The minimum width of the lot at the street line arc shall be no less than fifty (50) feet.
- 7. Building Extensions within the Setback.
  - a. Cornices, chimneys, steps, stoops, canopies, and similar extensions Including fire escapes and eaves may be within the minimum front, side and rear setback. Stoops shall not be greater than twenty-five (25) square feet in area.
  - b. Covered porches and patios, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into any building setback area.
- C. Panhandle lots. Panhandle lots shall only be permitted in the A and RR Districts and must comply with the following regulations.
  - 1. No other reasonable lot configurations are possible.
  - 2. The narrow "handle" portion of any such lot connecting the lot to the street shall not be less than fifty (50) feet in width. The access drive associated with the 1st no closer than two hundred (200) feet from a neighboring driveway.
  - 3. Minimum lot width and minimum building setbacks shall be measured along the lot line (other than the street line) most nearly parallel to the street from which access is taken.
  - 4. The "handle" portion of the lot shall serve only the lot upon which it is located or in accordance with the Lewis Township Subdivision and Land Development Ordinance.'
- D. Division of Built-on Lots. No lot may be formed from part of a lot occupied by a building unless each newly created lot will meet all the applicable provisions of this Ordinance and the Lewis Township Subdivision and Land Development Ordinance.

## 603. Building and Structure Requirements

- A. Height Regulations. The following height regulations shall apply throughout the Township.
  - 1. The maximum height per principal building shall be thirty-five (35) feet unless otherwise stipulated in Article III, District Regulations or elsewhere in the Ordinance.

- 2. The height regulations do not apply to the following structures or projections, provided that such structures or projections are set back a horizontal distance at least equal to their height from any property line.
  - a. Telecommunications towers, water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles or other similar structures.
  - b. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans and other mechanical appurtenances, if such structures do not cover more than twenty five (25) percent of the roof on which they are located.
  - c. Parapet walls or cornices used solely for ornamental purposes, if not in excess of five (5) feet above the roofline.
- 3. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.
- B. Minimum Habitable Floor Area. All dwelling Units shall not be less than the minimum habitable floor area as follows:
  - 1. Single-family, detached, attached and semi-detached and two-family units with the exception of those single-family units listed in subsection (2) below: Seven hundred (700) square feet.
  - Multi-family, residential conversions, granny flats, temporary housing for farm workers and mobile or manufactured homes with the exception of efficiency apartments: Four hundred (400) square feet.
  - 3. Efficiency apartment (dwelling unit for one person): Three hundred (300) square feet.

## C. Unenclosed Storage.

- 1. Recreational vehicles, boats, campers, trailers and trucks. In any residential districts, boats, campers, recreational Vehicles, trailers, and/or trucks with more than two (2) axles, except personal pickup trucks, shall not be stored within any front yard, except on a driveway, for longer than a two (2) week period. In multi-family developments, it is recommended that remote, screened storage areas be provided for items infrequently used, such as recreational vehicles.
- 2. Outdoor stockpiling. In all districts with the exception of the I District, heavy industrial uses only, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. All districts shall meet the following regulations, as applicable.
  - a. The stocking piling of tires, metal pipes, automobile parts, and similar objects or materials shall be stored in a garage or an enclosed storage structure in residential districts.
  - b. In any residential district, the outdoor stockpiling of materials other than those listed in (a) above, is prohibited for more than one (1) year, with the exception of firewood.
  - c. In all districts, outside storage areas shall be screened from any public street or pedestrian walkway, any abutting residential use, and any adjoining residential district In accordance with the screening and landscaping requirements set forth in the Lewis Township Subdivision and Land Development Ordinance and other requirements this Ordinance.
  - d. In the I District, outdoor storage of materials over four feet (4') in height must be set back a minimum of one hundred (100') feet from the public right-of-way.
- 3. Trash, garbage, refuse or junk. The outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited.

- D. Dumpsters. Dumpsters used for domestic garbage shall be permitted within the side or rear yard in accordance with the following requirements.
  - 1. The dumpster shall be screened from adjoining roads and properties.
  - 2. All dumpsters shall be set back at least thirty-five (35) feet from the lot line of an adjoining residential use or district and ten (10) feet from all other lot lines.
- E. Demolition of Structures. Demolition of any structure must be completed within three (3) months of the issuance of a permit or in accordance with the terms of the permit. "Completion" consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidence of the part, which was demolished, must be removed from the exterior surfaces of the remaining building.

#### 604. Screens and Buffers

### A. Location of Buffer Yards and Screening

- 1. Buffer yards shall be required for all commercial and industrial uses abutting residential uses and/or abutting or within residential districts, except as provided in Subsections 3 and 4 of this Section and in accordance with Article III, District Regulations.
- Screening and landscaping, in accordance with the applicable provisions of the Lewis Subdivision and Land Development Ordinance, shall be provided for all non-residential uses when abutting a residential use and/or abutting or within a residential district.
- 3. Where arterial or collector roads or railroads serve as district boundary no such buffering or screening is required along the boundary line.
- 4. Where streams, creeks or other bodies of water with an average width of fifty (50) feet or greater serves as a district boundary, such stream, creek or body of water shall serve to meet the buffering requirement.

## B. Description of Buffer Yards and Screening

- 1. Buffer yards and screening shall be designed in accordance with the Lewis Township Subdivision and Land Development Ordinance unless otherwise required by this Ordinance.
- 2. All buffer yards shall be planted with grass, seed, sod, or ground cover, shall be maintained, and shall be kept clean of all debris, rubbish, weed, and tall grass in conformance with existing regulations.
- 3. No structure, manufacturing or processing activity, parking (including driveways other than those necessary for access to the lot in question), or storage of materials shall be permitted in the buffer yard, unless otherwise stipulated in Article III or elsewhere in this Ordinance.

## 605. Illumination

All exterior lighting shall be arranged and shielded to prevent objectionable illumination or glare upon adjoining properties and/or public right-of-way and in accordance with the Lewis Township Subdivision and Land Development Ordinance.

## 606. Access Drives and Driveways

The development of all access drives and driveways shall meet the requirements set forth in the Lewis Township Subdivision and Land Development Ordinance and Lewis Township Driveway Ordinance.

## 607. Drainage

No principal building or accessory building or structure shall be erected, structurally altered or relocated on land which is not adequately drained at all times. In addition, all work must conform to the Lewis Township Storm Water Management Ordinance.

## 608. Floodplain Regulations

Any new construction or development within areas of the Township which are subject to flooding shall meet all applicable provisions of the Lewis Township Subdivision and Land Development Ordinance and the Lewis Township Floodplain Ordinance.

## 609. Environmental Performance Standard

No land or building in any district shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by Federal and State agencies.

## 610. Open space and Common Open Space.

- A. Open space may be devoted to one or more of the following uses.
  - 1. Passive recreation areas including hiking and bicycling trails, nature observation, and picnicking. Easements for these areas may be offered to Lewis Township, Northumberland County, land trusts, or other non-profit organizations whose purpose is to conserve and protect open spaces, scenic views, and overall rural qualities.
  - 2. Drainage, access, sewer or water line, pedestrian bicycle, equestrian trail, and / or other similar easements.
  - Storm water management facilities designed in accordance with the Lewis Township Storm water Management Ordinance.
  - 4. Agricultural activities permitted by the underlying district regulations herein.
  - Approved water supply and sewage disposal systems for individual residential units or groups of units.
- B. Open space areas shall be designed in accordance with the Lewis Township Subdivision and Land Development Ordinance.
- C. Designated open space areas shall be restricted by a deed covenant to prohibit further subdivision.
- D. Common open space areas shall meet the requirements of this Ordinance.

## 611. Ownership and Maintenance of Common Open Space

- A. For all developments proposing the use of common open space a plan for the ownership and maintenance of common open space shall be submitted for approval by the Board of Supervisors prior to final plat approval. Such ownership, administration, and maintenance shall be arranged to be in accordance with one of the following methods.
  - 1. An offer of dedication to the Township; however, the Township shall not be obligated to accept the dedication of common open space.
  - 2. The transfer of the total common open space area or a portion thereof to a private, non-profit organization whose purpose is the preservation of open space land and/or natural resources, subject to the following:

- a. The language and deed restrictions are acceptable to the Township.
- b. The organization shall be a bona fide conservation organization with a perpetual existence.
- c. The conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to carry out its function.
- d. The organization must enter into a maintenance agreement with the Township.
- 3. Establishment of a Homeowners' Association (HOA) subject to the following:
  - a. Prior to final plat approval the developer shall submit a detailed statement including covenants, agreements, and other specific documents indicating ownership, method of maintenance and utilization of the common open space areas.
  - b. Covenants shall be recorded either prior to or simultaneously with the approved plan.
- 4. Landowner deed or deeds of trust, approved by the Board, for the purpose of ownership, administration and maintenance of common open space. The Trustee shall be empowered to levy and collect assessments from property owners for working capital, operating expenses, insurance and contingencies.
- B. Failure of an organization or any successor organization to maintain the common open space in reasonable order and conditions in accordance with the development plan shall result in the following actions:
  - 1. Written notice from the Board of Supervisors shall be served describing the failure and deficiencies in maintaining the common open space. The notice shall:
    - a. Establish thirty (30) day period from said notice to correct the deficiencies.
    - b. State the date and place of a hearing to be held within fourteen (14) days of the notice. At such hearing, the Board of Supervisors may modify the terms of the notice as to the deficiencies and grant an extension of time to correct the deficiencies:
  - 2. Failure to correct the deficiencies within the thirty (30) days or extension thereof and in order to preserve the taxable values of the property within the development and prevent the common open space from becoming a public nuisance, the Board may take the following actions:
    - a. Maintenance of the property by the Township for a period of one (1) year; however, the maintenance shall not constitute a taking of the common open space.
    - b. Prior to expiration of said year, the Board shall call a public hearing upon notice to the organization and to the residents of the development. The Board shall reach one of two determinations:
  - 3. The organization is ready and able to maintain the common open space at the end of said year.
  - 4. The organization is not ready and able to maintain the common open space at the end of said year and the Township may at its discretion continue to maintain said common open space during the next year subject to the same public hearing process.
    - a. The decision of the Board of Supervisors shall be subject to appeal to court in such manner, and within the same limitations as is provided for zoning appeals.

in the case of the homeowners' association, against the owners of properties within the development, and shall, if unpaid, become a tax lien on said properties.

## 612. Solar Energy Systems.

- A. Regulations Applicable to All Accessory Solar Energy Systems (ASES):
  - 1. ASES that have a maximum power rating of not more than 10kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating more than 10kW shall comply with the requirements of Section 612(D) Principal Solar Energy Systems.
  - 2. ASES with an aggregate collection and/or focusing area of ten (10) square feet or less are exempt from this Ordinance.
  - 3. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
  - 4. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Township under the same process as set forth in this Ordinance.
  - 5. ASES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
    - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
    - Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
  - 6. In addition to the installer certifications required by subsection 5, for residential applications, ASES installers shall be a registered home improvement contractor with the Attorney General's office.
  - All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
  - 8. The owner of an ASES shall provide the Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
  - 9. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

## 10. Glare

 All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
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- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- 11. Prior to the issuance of a permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

## 12. Decommissioning

- a. Each ASES and all solar related equipment shall be removed within six (6) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- b. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of six (6) continuous months.
- c. The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.

## 13. Permit Requirements

- a. Solar Energy Construction permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- b. The Solar Energy Construction permit shall be revoked if the ASES, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- c. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

## B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems (ASES):

- 1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- 2. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.
- Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- 4. Solar panels shall not extend beyond any portion of the roof edge.
- 5. Roof mounted solar panels may only be located on front-facing roofs as viewed from any adjacent street when approved by the Zoning Officer. The applicant shall demonstrate that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.
- 6. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

- 7. Roof and wall mounted systems shall be installed and spaced in a manner as to accommodate standard fire safety and abatement practices. In no instances shall roof and wall mounted systems be installed as to prevent access to the underlying structure by firefighters.
- C. Ground Mounted Accessory Solar Energy Systems (ASES):

#### 1. Setbacks

- a. The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.
- Ground mounted ASES are prohibited in front yards, between the principal building and the public street.
- c. A ground mounted ASES may be located in the portion of the yard in front of the principal building and outside of the required front yard provided that vegetative screening is provided.
- d. The Township may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.
- 2. Ground mounted ASES shall not exceed twenty (20) feet in height above the ground elevation surrounding the systems.

## Coverage

- a. The following components of a ground mounted ASES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
  - Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
  - All mechanical equipment of the system including any structure for batteries or storage cells.
- b. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than twenty percent (20%) of the lot area.
- 4. Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the Zoning Ordinance may be used.
- 5. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- 6. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
- 7. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- D. Regulations Applicable to All Principal Solar Energy Systems (PSES):
  - 1. PSES shall be permitted by conditional use in the Agricultural Zoning District.

- 2. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), ), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- 3. Upon completion of installation, the PSES shall be maintained in good working order in accordance with standards of the Township codes under which the PSES was constructed. Failure of the PSES owner or operator to maintain the PSES in good working order is grounds for appropriate enforcement actions by the Township under the same process as set forth in the Zoning Ordinance.
- 4. PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
  - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
- All on-site utility, transmission and plumbing lines shall be placed underground to the extent feasible.
- 6. The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
- 7. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

## 8. Glare

- a. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- 9. A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 45 dBA, as measured at the property line.
- 10. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
- 11. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- 12. Prior to the issuance of a Solar Energy Construction permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and/assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by

development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

## 13. Decommissioning.

- a. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months.
- b. The PSES owner shall then have six (6) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
- c. The PSES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the PSES in the last twelve (12) months.
- d. The PSES owner shall, at the time of the issuance of the permit for the construction of the PSES, provide to Township with an estimate of the cost of performing the decommissioning activities required herein. The owner shall provide financial security of 110% of the estimated cost of decommissioning. The estimate may include an estimated salvage and resale value, discounted by a factor of 10%. The decommissioning cost estimate formula shall be; Gross Cost of Decommissioning Activities minus 90% credit of Salvage and resale value equals the decommissioning cost estimate.
  - i. On every 5th anniversary of the date of providing to decommissioning financial security the PSES owner shall provide an updated decommission cost estimate, utilized the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount increases, the PSES owner shall remit the increased financial security to the Township within 30 days of the approval of the updated decommissioning security estimate by the Township. If the decommissioning security amount decreases by greater than 10%, the Township Owner shall release from security any amounts held in excess of 110% of the updated decommission cost estimate.
  - ii. Decommissioning security estimates shall be subject to review and approval by the Township and the PSES owner/Owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.
  - iii. The decommissioning security may be in the form of cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a federal or Commonwealth chartered lending institutions in the amount of 110% of the total proposed decommission cost estimate and in a form satisfactory to the Commission and the Township Solicitor.
  - iv. Prior to final approval of any permit for the construction of the PSES, the PSES owner shall enter into a Decommissioning Agreement with the Township outlining the responsibility of the parties under this Agreement as to the Decommissioning of the PSES.

## 14. Permit Requirements

 Solar Energy Construction permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the PSES is constructed.

- b. PSES shall require a land development plan and stormwater plan. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- c. The Solar Energy Construction permit shall be revoked if the PSES, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the PSES not to be in conformity with this Ordinance.
- d. The PSES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the PSES to conform or to remove the PSES.

## E. Roof and Wall Mounted Principal Solar Energy Systems (PSES):

- 1. A roof or wall mounted PSES may be located on a principal or accessory structure.
- For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township and that the roof or wall is capable of holding the load imposed on the structure.
- 3. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations for principal and accessory structures of the underlying zoning district.
- 4. Wall mounted PSES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- 5. Solar panels shall not extend beyond the roof edge.
- 6. Roof and wall mounted systems shall be installed and spaced in a manner as to accommodate standard fire safety and abatement practices. In no instances shall roof and wall mounted systems be installed as to prevent access to the underlying structure by firefighters.

## F. Ground Mounted Principal Solar Energy Systems (PSES):

1. The PSES shall not be constructed on lots containing less than one (1) acre.

### 2. Setbacks

- a. PSES shall comply with the setbacks of the underlying zoning districts for principal structures.
- b. Additionally, PSES shall be setback a minimum of Fifty (50) feet from all property lines and public rights of way.
- 3. Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.
- 4. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
  - a. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
  - b. All mechanical equipment of PSES including any structure for batteries or storage cells.
  - c. Gravel or paved access roads servicing the PSES.
- 5. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in subsection 8 of this Ordinance.

- 6. In the Agriculture Zoning District, no more than twenty-five (25) percent of the entire area for development shall consist of Class I and Class II prime agricultural soils.
- 7. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

## 8. Security

- a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

#### 9. Access

- a. At a minimum, a thirty (30) foot wide access road must be provided from a state or township roadway into the site.
- b. At a minimum, a sixteen (16) foot wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
- c. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.
- 10. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
- 11. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

## **ARTICLE VII**

# Off-Street Parking and Loading

#### ARTICLE VII - OFF-STREET PARKING AND LOADING

## 700. Purpose

The purpose of this Article is to develop standards for the provision of off-street parking and loading facilities for all uses including the size, quality, location and design of these facilities. Furthermore, the standards in the Ordinance complement the design criteria set forth in the Lewis Township Subdivision and Land Development Ordinance.

## 701. Minimum Size of Parking Spaces

- A. Standard Spaces. The parking space shall have an area of not less than two hundred (160) square feet and a minimum of nine (9) feet wide by eighteen (18) feet deep.
- B. Handicapped Spaces. Handicapped parking spaces shall have an area of not less than two hundred sixty (260) square feet and a minimum of thirteen (13) feet wide by twenty (20) feet deep and shall be located in an area of less than five (5) percent slope.

## 702. Schedule of Required Parking Spaces

- A. Off-street parking spaces shall be provided for each building erected or enlarged in accordance with the following schedule and requirements set forth in Article 4, Use Regulations. Spaces shall be on the same lot as the use unless authorized in accordance with this Ordinance.
- B. Uses not specifically listed shall comply with the requirements for the most similar use listed, unless the applicant provides information as required by the Lewis Township Subdivision and Land Development Ordinance that proves to the satisfaction of the Zoning Officer that an alternative standard is applicable.
- C. Where a proposed building and/or use include more than one type of use, the number of parking spaces shall be the sum of the parking requirements for each separate use.
- D. For industrial, wholesale and warehousing establishments, the Zoning Hearing Board may authorize a reduction of the number and size of paved off-street parking spaces as a special exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land and show reserved areas for expansion of the paved parking for future uses.
- E. Minimum Off-Street Parking Space Requirements.

TYPE OF USE USES:		MINIMUM NUMBER OF SPACES			
Agricultural Uses:					
		1 space for each employee			
Residential Uses:					
	Single and two family dwelling units	2 spaces for each unit			
	Multi-family units	1.5 spaces for each bedroom unit, plus 2 spaces for each 2 or more bedroom unit.			
	Bed and breakfast/ rooming house.	2 spaces for each unit plus 1 space for each bedroom or guest sleeping room			
Public & Institutiona	I .				
	Auditorium, house of worship, theatre & other places of public assembly	1 space for every 3.5 seats plus one space for every employee			
	Cemetery	1 space per full-time employee			

	Community building	1 space for every 250 square feet of gross floor area
	Hospital	1 space per 2 beds, plus I space per doctor, plus one space per 2 employees on the largest shift, plus one space per hospital vehicle
	Library	1 space for 5 seats or one space for every 500 square feet of gross floor area, where no seats provided
	Nursing home	1 space per four beds based on design capacity, plus 1 space per each two employees on the largest shift.
	Schools, elementary	1 space for every 6 students based on design capacity plus 1 space per classroom
	Schools, secondary	1 space for every 3 students based on design capacity plus 1 space per classroom
	Vocational training and adult	1 space for every 1.5 students based on design capacity plus I space per
Commercial Office Uses:	educational facilities	classroom
Commercial Office Uses.	Auction house	1 space for every 2 seats of design
	Addion nodec	capacity
	Day care center	1 space for every employee plus I space for every 2 classrooms and office
	Food markets and convenience stores	1 space per 100 square feet of floor area for public use plus I space per each employee on the largest shift
	Funeral home	1 space for each 4 seats provided for patron use plus 1 additional space for each full-time employee and each vehicle committed on the premises
	Hotel / motel	1 space per guest room plus 1 for each employee on the largest shift. Spaces associated With restaurants and meeting rooms shall be in additions to these requirements
	Business, financial, professional, or public service office building	1 space for each 200 square feet of gross floor area, plus 1 space for every 2 full-time employees
	Kennel	1 space for every 15 animals of capacity, plus 1 space for each employee on the largest shift
	Outpatient medical facilities	4 spaces per doctor plus one space for each on-duty employee on the largest shift.
	Quick serve (fast-food) restaurant	1 space for every 2 seats of design capacity or 1 space for every 50

		square feet of gross floor area, whichever is larger; plus 1 space for every 2 employees on the largest shift			
	Retail store or personal service business	1 space for each 200 square feet of gross floor area, plus 1 space for each employee on the largest shift			
	Riding academy and horse stable	space for each horse stall, plus space for each employee on the largest shift			
	Roadside agriculture stand Temporary:	A minimum of 3 spaces			
	Permanent:	1 space per 100 square feet of floor area for public use plus 1 space per each employee on the largest shift			
	Shopping centers	4.5 spaces for every 1,000 square feet of gross floor area			
	Sit-down restaurant	1 space for every 4 seats of the maximum design capacity, plus I space for every 2 employees on the largest shift			
	Vehicle sales	1 space for each 400 square feet of gross floor area, plus 1 space for each 3,000 square feet of outside sales area, plus 1 additional space for each full-time employee			
	Vehicle repair, service and gasoline station	2 spaces for each service bay or area, plus 1 space for each full-time employee on the largest shift			
	Vehicle washing facility	4 spaces for each washing bay			
	Veterinary Office	5 spaces per doctor, plus one space for each on-duty employee on the largest shift			
Industrial Uses:	•				
	Industrial	3 spaces for every 4 employees on the largest shift, plus 1 space for each company vehicle normally stored on the premises			
	Warehousing	1 space for each employee on the largest shift, plus 1 space for each company vehicle normally stored on the premises			
Recreation Uses:	T	T			
	Athletic field or outdoor recreational facilities	1 space for every 4 spectator seats; however, If no spectator seating a			

		parking
	Billiard room	ratio of 1 space for every 4 spectators or participants based on design capacity. Temporary parking facilities shall be delineated by a temporary barrier.  4 spaces per table and 1 space per 2 employees
	Bowling alley	3 spaces for each lane plus 1 space per 2 employees
	Campgrounds and facilities	1 space for each campsite; plus one space for each employee, plus 50 percent of the spaces normally required for accessory uses to the campground
	Clubs or lodges	1 space for every 5 members of total capacity or a least 1 space for each 50 square feet of gross floor area for use to serve members and/or guests, whichever is greater, plus 1 space for each full-time employee
	Golf course	4 spaces per hole, plus 1 space for each employee, plus 50-percent of the spaces normally required for uses accessory to the golf course
	Nonspecified indoor recreation facilities	1 space for every 100 square feet of gross floor area
	Tennis courts	2 spaces for each court
Transportation Uses:		
	Airport and/or landing strip	1 space for every 4 air vehicles stored on site
	Bus passenger depot	1 space for every 4 seats for waiting passengers

## 703. Reduction of Parking Requirements

- A. The minimum off-street parking requirements may be reduced upon application for a special exception to be approved by the Zoning Hearing Board.
- B. The following conditions must be satisfied to be granted the special exception.
  - 1. The land development plan shows all required spaces, access ways and buffer areas.
  - 2. The land development plan shows the spaces to be removed.

3. Satisfactory documentation is submitted attesting to the reduced need for off-street parking.

## 704. Joint Parking Facilities

- A. Joint parking facilities shall be allowed in all Districts.
- B. Joint parking facilities shall be allowed subject to the following requirements.
  - 1. The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:

a. Residential use: One hundred (100) feet

b. Commercial use: Two hundred (200) feet

c. Industrial use: Three hundred (300) feet

- 2. The required parking shall be not less than the total required separately for each use with the following exceptions:
  - a. Where it shall be demonstrated that the uses are utilizing the lot at different periods of the day, a reduction may be granted to the total number of parking spaces. The required number of spaces shall be based on the use, which requires the most spaces.
  - b. To encourage joint use of facilities in areas of contiguous commercial development fronting on a minor arterial road, a parking reduction of ten (10%) percent may be granted in those areas which demonstrate safe and convenient walking distance between uses and meet the criteria in 1 above.
  - c. The parking area must remain under the control of the owner or operator of the use to which the parking area is appurtenant and shall be recorded as a deed restriction filed in Northumberland County Courthouse to maintain the required number of spaces available throughout the life of the use.

## 705. Design Standards of the Parking Facilities

- A. Layout of the Parking Facilities. The general design standards complement the parking lot design standards set forth in the Lewis Township Subdivision and Land Development Ordinance.
  - 1. Every parking lot shall be connected to a street by means of an unobstructed access drive.
  - Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space without requiring the moving of any other motor vehicle and without backing onto any public street.
  - 3. Parking areas shall not be within any of the following: a required buffer yard and a future or existing street, unless otherwise stipulated in Article 3, District Regulations or Article 4, Use Regulations of this Ordinance.
  - 4. No parking or other paved area shall be located within ten (10) feet of an on-lot wastewater system absorption area.
  - 5. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated from major pedestrian routes.
  - 6. Handicapped parking spaces shall be designed in conformance with the American with Disabilities Act of 1990, as amended. Multi-family, commercial, public, recreation and industrial uses shall provide handicapped parking spaces according to the following scale:

Total Parking Spaces	Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 % of total
1,001 and over	20 plus I for each 100 over 1,000

## 7. Setback requirements:

- a. All parking lots shall be set back from any street line in conformance with the applicable building setback requirements and in compliance with additional setback requirements set forth in the Lewis Subdivision and Land Development Ordinance.
- b. All off-street parking shall be setback ten (10) feet from the principle structure.
- c. All off-street parking shall be setback ten (10) feet from the side or rear lot line.
- d. When the parking lot abuts a residential use or zone a five (5) feet buffer area shall be provided contiguous to the property line of the residential use or zone in addition to the required setback.

## B. Landscaping of the Parking Facilities

- Screen planting shallbe provided when a parking lot abuts a residential use or zone or provides space for more than five vehicles as defined in this Ordinance and the Lewis Township Subdivision and Land Development Ordinance.
- 2. Interior landscaping shall be provided for any parking area of one-half acre or more meeting the following requirements and design requirements set forth in the Lewis Township Subdivision and Land Development Ordinance.
  - a. At least ten (10) percent of the total area of the interior of the parking lot shall be devoted to plant landscaping.
  - b. Terminal islands shall be installed at the end of each aisle of parking to provide for both interior parking lot landscaping and assist in automobile circulation within the parking lot.
  - c. Landscaped areas situated outside the parking lot, such as the lawn area and areas surrounding the building shall not constitute interior landscaping.
  - d. The area of the parking lot shall be calculated to include all areas within the perimeter of the lot, such as parking spaces, access drives, aisles, islands, and curbed areas.

## 706. Drainage of the Parking Facilities

All driveways, access drives, and entrance ways shall be graded, surfaced, and drained to the satisfaction of the Township Engineer and within the parameters established in the Lewis Township Subdivision and Land Development Ordinance and the Lewis Township Storm water Management Ordinance to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across streets or adjoining property.

## 707. Lighting of the Parking Facilities

- A. All public parking shall be adequately lit during evening operating hours.
- B. All standards shall be located on raised parking islands and not on the parking surface.
- C. Lighting shall be arranged and shielded so the direct rays from the luminaries shall not fall off-site on adjacent properties.

## 708. Off-Street Loading

- A. Off-street loading berths open or enclosed, are permitted accessory to any use other than residential and subject to the following minimum provisions:
  - 1. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use.
  - 2. The applicant shall provide evidence at the time of land development to demonstrate sufficient numbers of loading spaces are being provided. The following criteria shall apply:
    - a. Funeral home shall provide one (1) loading space for a gross floor area of 3,000 to 5,000 square feet and one (1) additional space for each 5,000 square feet in excess of 5,000 square feet.
    - b. Licensed hospital and other institutions shall provide one (1) loading space for a gross floor area of 10,000 square feet to 100,000 square feet and one (1) additional space for each 100,000 square feet in excess of 100,000 square feet.
    - c. Manufacturing, storage, display or sale of goods uses shall provide one (1) loading space for a gross floor area of 5,000 to 25,000 square feet and one (1) additional space for each 10,000 square feet in excess of 25,000 square feet.
    - d. Office, hotels, theaters and similar uses shall provide one (1) space for a gross floor area from 20,000 to 100,000 square feet and one (1) additional space for each 40,000 square feet of gross floor area in excess of 100, 000 square feet.

## B. Design and Layout of Loading Facilities

- 1. Each required space/berth shall not be less than twelve (12) feet in width, seventy (70) feet in length, and fourteen (14) feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
- 2. The maximum width of access drives and sidewalk openings, measured at the street line, shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet.
- 3. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot.
- 4. All off-street loading areas shall be screened from any abutting residential use or district and any public street or pedestrian walkway in accordance with this Ordinance and the Lewis Township Subdivision and Land Development Ordinance.

## **ARTICLE VIII**

# **Sign Regulations**

## **ARTICLE VIII - SIGN REGULATIONS**

## 800. General Regulations for All Signs

#### A. Determination of Size.

- The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments.
- 2. Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols.
- 3. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, with the following exceptions where the two (2) faces are placed back to back and no point more than three (3) inches from one another.
  - a. The area shall be taken as the area of one (1) face when the two (2) faces are of equal size,
  - b. The area shall be taken as the area of the larger face when the two (2) faces are of unequal size.

## B. Location and Placement.

- 1. The location of signs shall not interfere with proper sight distances on streets or be placed within the clear sight triangle as set forth in the Lewis Township Subdivision and Land Development Ordinance.
- 2. No sign shall be located within a street right-of-way with the exception of those signs of a governmental body, including traffic signs and other regulatory notices.
- 3. No sign shall project over a public sidewalk or path.
- 4. Projecting signs shall not project more than three (3) feet from the wall or surface to which they are mounted nor be less than eight (8) feet high at the lower edge of the sign and shall not in any way interfere with normal pedestrian or vehicular traffic.
- 5. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted and shall not project more than twelve (12) inches from its surface.
- 6. No person shall paint, paste, brand, stamp, or in any manner place on or attach to any tree, or to any utility, street light, or other street pole any written, printed, or painted advertisement, bill, notice, sign, card or poster.

## C. Illumination of Signs.

- 1. Flashing, rotating, festoon-lights and intermittent lights are not permitted, except for public service information only, including time, date, temperature, and weather or traffic conditions.
- Signs may be interior lighted with nonglaring lights or may be illuminated by floodlights or spotlights shielded so there is no direct light transmitted to other properties or public rights-of-way.
- D. Construction and Maintenance. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
- E. Termination of Enterprise. Upon termination or abandonment of a use, all signs pertaining to the enterprise must be removed.

## 801. Permitted Permanent Signs

- A. Permanent signs must conform to the standards set forth in this Section.
- B. Only the types of on premise, permanent signs listed on Table 801 shall be permitted throughout Lewis Township.
- C. The following off-premise, permanent signs shall be permitted in all districts.
  - 1. Signs for direction, regulation and control of traffic; street names; legal notices; railroad crossings; and official signs authorized by a duly constituted governmental body.
  - 2. Signs used for directing patrons, members, or an audience to service clubs, churches, or other non-profit organizations and not exceeding four (4) square feet in area.
- D. Advertising signs shall be permitted either on or off premise In the C and I districts only and In accordance with the following regulations.
  - 1. No structure shall contain more than one (1) advertising sign per facing.
  - 2. Only one (1) advertising sign shall be permitted per lot.
  - 3. No advertising sign shall exceed ten (10) feet in vertical measurement or thirty (30) feet in horizontal measurement and overall size of three hundred (300) square feet in area.
  - 4. No advertising sign shall exceed forty (40) feet in height.
  - 5. No advertising sign shall be permitted to be erected upon the roof of any building.
  - 6. The advertising sign shall be set back thirty (30) feet from the front lot line or to the established front setback line, whichever is greater and shall be set back fifty (50) feet from the side and rear property lines.
  - 7. One thousand (1,000) feet shall separate one advertising sign from another advertising sign or freestanding business identification sign. No sign shall be located within one-thousand (1,000) feet of a residential use or residential district.
  - 8. No sign shall be so illuminated in such a manner that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
  - 9. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend on visibility for identification.

## 802. Permitted Temporary Signs

- A. Temporary signs must conform to the standards set forth in this Section.
- B. Only the types of on premise, temporary signs listed on Table 802 shall be permitted throughout Lewis Township.
- C. The following off-premise, temporary signs shall be permitted in all districts.
  - 1. Political signs meeting the sign description and requirements of Table 802, excluding banners.
  - 2. Non-illuminated signs directing persons to temporary exhibits, shows, or events, located in the Township or contiguous Borough subject to the following requirements:
    - a. Signs shall not exceed six (6) square feet.

- b. Signs shall not be posted earlier the two (2) weeks before the event and must be removed within one (1) week after the event.
- 3. Non-illuminated signs directing persons to real estate open houses shall not exceed six (6) square feet.
- 4. Non-illuminated signs directing persons to approved development to be constructed in the Township by a builder, contractor, developer, or other persons interested in such sales or development subject to the following requirements:
  - a. Signs shall not exceed twelve (12) square feet.
  - b. Sign shall be removed within twenty (20) days after the last structure has been initially occupied or upon the expiration of any building permit, whichever is sooner.

## 803. Permit Requirements

- A. All permanent signs (see Table 801) shall require a permit.
- B. All temporary signs (see Table 802) over six (6) square feet in area shall require a permit prior to erection.

## TABLE 801 - PERMITTED ON PREMISE, PERMANENT SIGNS

#### SIGN DESCRIPTION

SIGN CATEG	SORY TYPE OF SIGN	MAXIMUM NUMBER PERMITTED	FREESTANDING (F) ATTACHED(A)	<b>MAXIMUM</b> AREA PERMITTED	MINIMUM SETBACK FROM RIGHT OF-WAY	MINIMUM HEIGHT	DISTRICTS PERMITTED
P-1	Signs and signals owned		Freestanding				All Districts
	operated by the Township or other governmental agency		Attached				All Districts
P-2	Identification signs for	1 each per lot	Freestanding	20 sq.ft aggregate	10 feet	10 feet	All Districts
	public and sernipublic facilities, such as, school, place of worship, hospital. library, club and public utility.	frontage	Attached	of all freestanding and attached signs		Height of Building	All Districts
P-3	Memorial or historical markers or tablets.	1 per event	Freestanding	6 sq. ft.	5 feet	10 feet	All Districts
P-4	Nameplates Identifying owner or resident of private property. excluding mailboxes.	1 per dwelling unit	Freestanding	3 sq. ft.	5 feet	6 feet	All Districts
P-5	Signs controlling the use of		Freestanding	2 sq. ft.	5 feet	6 feet	All Districts
	private property.		Attached	2 sq. ft.		Height of Building	All Districts
P-6	Directional signs.	1each per lot frontage used as	Freestanding	2 sq. ft.	2 feet	6 feet	All Districts
		access	Attached	2 sq. ft.		Height of Building	All Districts
	Business signs for properties not located in complexes, such as, shopping centers, multi-use buildings, industrial parks, neighborhood service centers and institutional centers.						
P-7A	Individual business sign.	1 epch per lot frontage	Freestanding	20 sq.fL aggregate of all freestanding	10 feet	10 feet	A, RR, R
		nonage	Attached	and attached signs		Height of Building	A, RR, R
P-7B	Individual business sign.	1 each per lot frontage	Freestanding	280 sq. inches of all freestanding	10 feet	6 feet	R
		попаде	Attached	and attached signs		Height of Building	R
P-7C	Individual business sign.	1 per side or rear entrance	Attached to Side Or Rear Entrance	6 sq. ft.		Shall not extend above the side or rear entryway	A, RR

P-7D	Individual business sign.	1 per lot frontage (additional by special Exception)	Freestanding	1 sq. ft. per 2.5 linear feet of lot frontage, not to exceed 150 sq. ft.	10 feet	25 feet	C, I
P-7E	Individual business sign.	1 per lot frontage (additional by special Exception)	Attached	No more than 6% of the total wall area to which the sign is attached and Not to exceed 150 sq. ft. Per wall.		Height of building	C, I
	Business signs for properties located in complexes, such as, shopping centers, multi-use buildings, industrial parks, neighborhood service centers and institutional centers.						
P-8A	Wall-mounted building directory Signs identifying the occupants	1 per lot entryway	Attached	6 sq. ft.		Shall not extend above the entryway	C, I
P-8B	Business sign for the complex (no individual store or business Shall have a freestanding sign When located in a complex).	1 per lot frontage	Freestanding	150 sq. ft.	15 ft.	Height of building	C, I
P-8C	Business sign for the complex	1 per lot frontage	Attached	75 sq. ft.		Height of building	C, I
P-8D	Individual business sign for Businesses in a complex.	1 per business	Attached to Front Facade	No more than 5%of the Ground floor building facade And not to exceed 20 sq. ft.		Shall not extend above the base of the second floor window sill, parapet, Eave, or building façade.	С
P-8E	Individual business sign for Businesses in the complex.	1 per business	Attached to Front Facade	20 sq. ft.		Height of Building	C, I
P-9	Identification sign for residential subdivision	1 per lot frontage	Freestanding	20 sq.ft.	20 feet	10 feet	A, RR, R

## TABLE 802 - PERMITTED ON PREMISE, TEMPORARY SIGNS

#### SIGN DESCRIPTION

SIGN CATEGO	RY TYPE OF SIGN	CONDITION OF REMOVAL	MAXIMUM NUMBER PERMITTED	FREESTANDING (F) ATTACHED(A)	MAXIMUM AREA PERMITTED	MINIMUM SETBACK FROM RIGHT OF-WAY	MINIMUM HEIGHT	DISTRICTS PERMITTED
	Identifying architects, contractor Or others engaged in construction		1 per each firm involved in work	Freestanding	12 sq. ft. per sign	10 ft.	10 ft.	All Districts
	Work on the premises where the Work is proceeding.		on the site	Attached	12 sq. ft. per sign		Height of Building	All Districts
T-2	Real estate signs on all individual	al Removed within one week of date of sale,	1 per lot frontage	Freestanding	6 sq. ft	10 feet	10 feet	All Districts
	Residential properties and Subdivisions of less than 3 acres For commercial or industrial use Or residential development that Are for sale, rent, or lease.	s rent or lease agreement		Attached	6 sq. ft.		Height of Building	All Districts
T-3	Real estate signs on properties Of more than 3 acres for	Removed within one week of date of sale,	1 per lot frontage	Freestanding	32 sq. ft.	25 feet	10 feet	All Districts
	Commercial or industrial use or Residential development that Area for sale, rent, lease, or subdivision			Attached	32 sq. ft.		Height of Building	All Districts
T-4	F-4 Signs announcing approved Housing developments and Office or apartment complexes Of placement.  Removed upon 75% completion of developme or within 18 months Of placement.		1 per lot frontage	Freestanding	32 sq. ft.	25 feet	10 feet	All Districts
		or within 18 months		Attached	32 sq. ft.		Height of Building	All Districts
T-5	T-5 Signs announcing approved F Commercial, industrial, or Other non-residential development	Removed within one year of the erection of the sign	1 per lot frontage	Freestanding	32 sq. ft.	25 feet	10 feet	All Districts
				Attached	32 sq. ft.		Height of Building	All Districts
T-6	Signs announcing grand Openings, new ownership,	Removed within one month of the erection of	1 per lot frontage	Freestanding	10 sq. ft.	25 feet	10 feet	A, RR
	Change of use on the site Of the permitted use.	the sign		Attached	10 sq. ft.		Height of Building	A, RR
T-7	Signs announcing grand	gs, new ownership, of the erection of of use on the site the sign	1 per lot frontage	Freestanding	32 sq. ft.	25 feet	10 feet	C, I
	Change of use on the site Of the permitted use.			Attached	32 sq. ft.		Height of Building	C, I
T-8	Signs advertising the Temporary sale of	Removed when product is no longer on sale.	2 per lot	Freestanding	6 sq. ft.	10 feet	10 feet	A, RR
	Agricultural products Raised on property from Which it is being sold	.s .io longer on oute.		Attached	6 sq. ft.		Height of Building	A, RR

T-9	Directional signs with Permission of landowner On which the sign is Placed. Placement Prohibited on traffic or Utility poles.	Removed within one week Of placement.		Freestanding Attached	2 sq. ft 2 sq. ft.	3 feet 	3 feet Height of Building	All Districts All Districts
T-10	Signs announcing a special Event, excluding yard or Garage sales or Temporary reductions in price	Removed within one month of the erection of the sign. No similar sign shall be erected within 90 Days of a previous event	1 per lot	Freestanding Attached	32 sq. ft. 32 sq. ft.	25 feet 	10 feet Height of Building	All Districts All Districts
T-11	Yard sale/Garage Sale	During days of sale	2 per lot	Freestanding Attached	6 sq. ft. 6 sq. ft.	5 feet 	10 feet Height of Building	All Districts All Districts
T-12	Political posters, banners, And signs about candidates, Parties, and ballot issues.	Allowed 6 weeks prior to election and 2 weeks Following election		Freestanding Attached	16 sq. ft.	5 feet 	10 feet Height of Building	All Districts All Districts

# **ARTICLE IX**

# **Zoning Hearing Board**

#### **ARTICLE IX - ZONING HEARING BOARD**

#### 900. Establishment.

There is hereby established a Zoning Hearing Board for Lewis Township for the purpose of approving special exceptions, hearing appeals, and granting variances to the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance. Whenever a conflict exists between these rules and the laws of the state or ordinances of the Township, the most restrictive shall prevail.

## 901. Membership.

A. Appointment. The Zoning Hearing Board shall consist of three (3) members to be appointed for staggered five (5) year terms by the Lewis Township Board of Supervisors in accordance with the provisions of Section 903 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Successors shall be appointed for five (5) year terms at the expiration of each term. One (1) to three (3) alternate members may be appointed by the Lewis Township Board of Supervisors. Members of the Zoning Hearing Board shall hold no other County government office.

Commentary: There should be a proportionate geographical representation from Municipalities under the Township Zoning Ordinance jurisdiction on the Zoning Hearing Board.

- B. Vacancies. When any vacancies occur, the Zoning Hearing Board Chairman shall promptly notify the Lewis Township Board of Supervisors which shall appoint a member for the unexpired portion of the term.
- C. Officers. The elected officers of the Zoning Hearing Board shall be a Chairman, Vice-Chairman, and Secretary. The appointed office of Recording Secretary shall be filled by the Zoning Administrator or his authorized representative. The elected officers shall be selected at the annual meeting by a majority vote of the Zoning Hearing Board. Their terms shall begin immediately following the annual meeting and shall expire at the next annual meeting. The duties of the officers shall be as follows:
  - 1. Chairman: The Chairman shall preside at all meetings and hearings of the Board, direct the conduct of the meeting or hearing, decide all points of procedure unless otherwise directed by a majority vote of the Board, and supervise the work of the Secretary and Recording Secretary.
  - 2. Vice-Chairman: The Vice-Chairman shall assume the duties of the Chairman in the event of absence or inability to perform those duties.
  - 3. Recording Secretary: The Recording Secretary shall provide all necessary forms, assist applicants in filing appeals and petitions, receive and file appeals and petitions, prepare and distribute legal notices of meetings and hearings, conduct correspondence on behalf of the Board, keep the minutes and records of the Board, and provide assistance when requested by the Board.
- D. The Zoning Administrator shall be present at all meetings for the purpose of providing technical assistance when requested by the Zoning Hearing Board.
- E. Removal of Members. The majority of the Board of Supervisors given the following procedures may remove any Board member for malfeasance, misfeasance, or nonfeasance in office or for other just cause.
  - 1. The Board member shall receive fifteen (15) days advance notice prior to the meeting of the intent to take such a vote.
  - 2. A hearing shall be held in connection with the vote if the Board member shall make written request for the hearing.

## 902. Organization And Rules.

- A. Call for meetings: The Zoning Hearing Board shall meet at the call of the Chairman, and at such other time and place as the Zoning Hearing Board may determine.
- B. Open meetings: All meetings of the Zoning Hearing Board shall be open to the public unless otherwise authorized by Pennsylvania Law.
- C. Minutes: The Zoning Hearing Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, the Zoning Hearing Board's findings of facts, and shall keep records of its examinations and other official actions, all of which shall be public record.
- D. Performance of duties: The Zoning Hearing Board shall have the power to call on any Township department or agency for assistance in the performance of its duties and it shall be the duty of such other department or agency to render all such assistance as may be reasonably required.
- E. Effectuation: The Zoning Hearing Board may adopt such rules as are necessary to carry into effect the regulations of the Township Board.
- F. Appeals: In the case of all appeals, the Zoning Hearing Board shall call upon the Township Planning Commission for all information pertinent to the decision appealed.
- G. Quorum: For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all 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 Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- H. Alternates: If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was originally appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

## 903. Powers.

- A. The Zoning Hearing Board shall have the following powers (Reference Section 909.1a of the PA Municipalities Planning Code):
  - 1. Hear and decide appeals, as may be authorized by this Ordinance, or where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.
    - In exercising the above-mentioned powers, the Zoning Hearing Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
  - 2. Hear and to authorize upon appeal, owing to specific circumstances, such variance from the terms of the Ordinance, if, and only if, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, so that the spirit of the Ordinance shall be observed and substantial justice done.

- 3. Hear and grant applications for substitution of more or equally restrictive nonconforming uses for existing non-conforming uses provided no structural alterations are to be made and the County Planning Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- 4. Hear and consider approval of applications for special exceptions, as may be authorized by this Ordinance.
- B. No variance shall have the effect of permitting any use in a district that is prohibited in that district, nor shall a variance have the effect of a rezoning.
- C. The Board may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made.
- D. The Chairman, an acting Chairman or Hearing Officer may administer oaths and compel the attendance of witnesses and production of documents by subpoena.

## 904. Expenditure for Zoning Hearing Board Solicitor and Other Services.

- A. The Board may contract for and fix the compensation of legal counsel; however, under no circumstances shall the amount of compensation exceed the amount appropriated by the Board of Supervisors.
- B. The Zoning Hearing Board Solicitor shall be an attorney other than the Township Solicitor.
- C. The Board may contract for and fix compensation for such other necessary services, including secretaries, clerks, consultants, or other technical and clerical services; however, under no circumstances shall the amount of compensation exceed the amount appropriated by the Board of Supervisors.

## 905. Fees

- A. The Board of Supervisors shall establish a fee schedule by resolution for the reimbursement by the appellant or applicant for the costs incurred by the Township in connection with the hearing before the Board. A fee shall be collected at the time of making the appeal or application. Upon completion of the heading, the applicant or appellant shall be billed for expenses in excess of the deposit. No request for hearing or other application or appeal shall be complete until such fee is paid in full.
- B. Costs may include:
  - 1. Shared appearance fee for a stenographer.
  - 2. Notice and advertising costs.
  - 3. Administrative overhead connected with the hearing.
- C. Costs shall not include:
  - 1. Legal expenses of the Board.
  - 2. Expenses for engineers, architects, and technical consultants.
  - 3. Expenses for expert witnesses.
- D. No zoning permit shall be granted until reimbursable expenses are paid in full.

## 906. Mediation Option

The mediation option is available to proceedings authorized in this Article and in accordance with the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

# **ARTICLE X**

# Administration and Enforcement

#### ARTICLE X - ADMINISTRATION AND ENFORCEMENT

#### 1000. Zoning Administrator.

The Zoning Administrator, as appointed by the Lewis Township Board of Supervisors, shall administer and enforce this Ordinance in accordance with its provisions.

#### 1001. Powers And Duties Of The Administrator.

The duties and responsibilities of the Zoning Administrator shall include, but not necessarily be limited to, the following:

- A. Administer and enforce the Zoning Ordinance enacted by the Lewis Township Board of Supervisors so as to manage and promote the public health, safety, convenience, and general welfare of the citizens of Lewis Township pursuant to appropriate statutes and ordinances.
- B. Give all legal notices required by State Statutes and the aforementioned ordinances.
- C. Investigate alleged zoning violations and give notice thereof to the owner of the subject property and assist in necessary prosecutions; make as often as necessary, all necessary inspections of structures, lands, and waters to certify compliance with the aforementioned ordinances; and report uncorrected violations to the Solicitor in a manner specified by him, and assist the Solicitor in any action involving the Township Zoning Program.
- D. Extend zoning information and advice to the public, and assist them in preparing permit applications and appeals.
- E. Maintain, by parcel number where feasible, the appropriate records for all permits, inspections, work approved, complaints, public hearings, legal notices, zoning maps, and other official actions. As requests are received for modifications or additions to nonconforming uses or non-conforming structures, a record shall be kept which lists the nonconforming uses and non-conforming structures, their present assessed value, and the cost of those additions or modifications which have been permitted.
- F. Prepare and maintain, by parcel number where feasible, all records, maps, surveys, tapes, and data required for the efficient and proper enforcement of the aforementioned ordinances.
- G. Maintain records after the approval of this Ordinance, of amendments thereto; of changes in district boundaries, approved by the Lewis Township Board of Supervisors; and the use of all lands, premises, and buildings in the municipality not conforming to the regulations applicable to the district in which they are situated. The list of non-conforming uses shall be compiled within twelve (12) months of the effective date of this Ordinance.
- H. Receive, review, and act upon (either granting or denying) all zoning and other permit applications authorized by the aforementioned ordinances.
- I. Determine if intended uses are similar to those uses set forth in a particular district.
- J. Prohibit the use or erection of any structure or the use of any land or water until the Zoning Administrator has reviewed and approved such use or erection.
- K. Suspend or revoke any permit issued by the Zoning Administrator, upon non-compliance with the terms of the permit and/or this Ordinance.
- L. Commence, subject to the Solicitor's approval, any legal action in the name of Lewis Township to ensure enforcement of the terms of the aforementioned ordinances.

- M. Issue citations pursuant to the Pennsylvania Municipalities Planning Code, Act 247, as amended, and Ordinances of Lewis Township to be served by the Northumberland County Sheriff for violations of any of the aforementioned ordinances.
- N. Gain entry to premises, buildings, and structures for the purpose of investigating applications for permits and for the purpose of determining compliance with any permit issued pursuant to any of the aforementioned ordinances or provisions of this Ordinance during reasonable hours or any other time authorized by the court.
- O. Review all permit applications to ensure that all necessary permits have been obtained from federal, state, and local governmental agencies.
- P. Make recommendations to the Zoning Hearing Board on all cases before the Board.
- Q. Collect and account for all fees and other monies received for the Township Zoning Program.
- R. Review subdivision proposals to ensure such proposals are consistent with the purpose of this Ordinance, and advise the Township Planning Commission and the Board of Supervisors of potential conflicts.

#### 1002. Permits.

#### A. Requirements for Zoning Permits

- 1. A zoning permit shall be required prior to the erection, construction, addition, or alteration of any building, structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except specified in Article VIII-Sign Regulations; prior to the change or extension of a non- conforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a zoning permit has duly been issued therefor. (In Some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)
- 2. Exemptions. Zoning Permits shall not be required for the following activities:
  - a. Interior alterations when there is no increase in ground floor exterior dimension and change in use.
  - b. General exterior maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition or replacement of storm windows, and similar activities.
  - c. Agricultural activities, including crop or tree farming.
  - d. Landscaping
  - e. Construction or erection of land terraces, steps or other similar features.
  - f. Placement or location of utility distribution lines.
  - g. Razing of buildings or structures.

### B. Building Permits

- No building permit shall be issued until the Zoning Officer has certified the proposed activity complies with all the provisions of this Ordinance and the Township Building Permit Ordinances.
- It shall be unlawful for any person to commence work prior to the issuance of the building permit.

3. The permit application must be accompanied by a site plan as required by the Lewis Building Permit Ordinance and to determine compliance with this Ordinance.

#### C. Certificate of Use and Occupancy

1. No land or building shall be occupied by a principal use or changed from one principal use to another and no building hereafter erected, constructed, altered, or extended shall be occupied until a Certificate of Use and Occupancy has been issued by the Zoning Officer, stating that the buildings or proposed uses fully comply with the provisions of this Ordinance.

### 2. Application Procedure

- a. Applications for Certificates of Use and Occupancy shall be made in writing by the owner or authorized agent on the Certificate of Use and Occupancy forms supplied by the Zoning Officer.
- b. Certificates of Use and Occupancy applications associated with construction activity shall be submitted concurrently with the building permit application for use at the final inspection by the Zoning Officer.
- c. Certificates of Use and Occupancy applications associated with a new use or change of Use that are conforming and require no expansion of the use or structure shall be submitted to the Zoning Officer. The Zoning Officer shall, by letter, grant or deny with reasons for denial, within ten (10) days following application.
- d. Certificates of Use and Occupancy application associated with a change from one nonconforming use to another shall not be submitted until after obtaining a Special Exception under the appropriate section of this Ordinance.

#### 3. Permit Approval or Denial.

- a. The Zoning Officer, upon completion of inspection and finding of conformity with Township Ordinances as applicable in subsection (b) and (d) above, shall grant a Certificate of Use and Occupancy within five (5) days following the inspection and finding.
- b. The Zoning Officer, upon completion of inspection and finding of a violation shall deny a Certificate of Use and Occupancy and shall notify the applicant in writing within five (5) days following the inspection. The notification of the denial shall make reference to appropriate sections of the Township Ordinances. Subsequent final inspections shall follow the same procedure outlined above. An additional fee based on time and expenses may be charged for any additional inspections.
- c. A Certificate of Use and Occupancy shall become void within ninety (90) days from the date of issuance, if unoccupied; unless the applicant has notified the Zoning Officer that the occupancy has been delayed and had made application for an extension.

#### 1003. Violations.

Failure to secure a Zoning/Development Permit when required hereunder or failure to secure a Certificate of Compliance or Certificate of Occupancy, or failure to comply with any reasonable requirement or condition imposed by the Zoning Hearing Board, or failure to carry out the provisions of this Ordinance shall be considered a violation of this Ordinance.

The Zoning Administrator, or a designee, is hereby authorized to enter upon the land in Lewis Township for the purpose of enforcing and implementing this Ordinance.

#### 1004. Enforcement Notice.

Whenever it appears to the Zoning Administrator that there has been a violation of any provision of this

Ordinance, the Zoning Administrator, on behalf of the Township, shall give written notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

- A. Be served upon the property owner or sent to him by Certified Mail (return receipt request).
- B. Include the name of the owner of record and any other person against whom the Township intends to take action.
- C. Include the location of the property in violation.
- D. Identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance.
- E. Contain an outline of remedial action which, if taken, will effect compliance.
- F. Specify the time to be allotted for which compliance must be commenced and specify the time to be allotted for correction or abatement of the alleged violation.
- G. Notify the recipient of his right to appeal to the Township Zoning Hearing Board within thirty (30) days of receipt of the notice.
- H. Indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted and remedied as provided in Enforcement Remedies of this Ordinance.
- I. Be sent to other person requesting notice.

#### 1005. Causes Of Action.

- A. If any building, structure, sign, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, or maintained or used in violation of this Ordinance, the Zoning Administrator or Township Solicitor may seek, whenever necessary, to institute an injunction, mandamus, abatement, or other appropriate action or proceedings to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent in or about such premises, any act, conduct, business, or use constituting a violation.
- B. Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded by serving a copy of the complaint to the Lewis Township Board of Supervisors at least thirty (30) days prior to being instituted. No such action may be maintained until such notice has been given.

#### 1006. Enforcement Remedies.

- A. Any person, partnership, or corporation which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law shall, upon being found liable therefore in a civil enforcement proceeding commenced by Lewis Township, pay a judgment of not more than five-hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice with appropriate jurisdiction. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the rules of civil procedure.
- B. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to believe that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.

- C. All judgments, costs, and reasonable attorney fees for the violation of this Zoning Ordinance shall be paid over to Lewis Township.
- D. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- E. Statute of Limitations. Any action to recover a forfeiture or penalty imposed by ordinance or regulation of any county, when no other limitation is prescribed by law, shall be commenced within two (2) years of said violation. In those situations in which there occurs a continuing violation in existence for more than two (2) years prior to the issuance of the complaint, and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of violation occurring more than two (2) years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two (2) year period prior to the issuance of the complaint.

#### 1007. Fees

The Board of Supervisors shall adopt by resolution a fee schedule for applicants. No application, certificate, permit or appeal shall be processed without payment of the appropriate fee.

# **ARTICLE XI**

# **Conditional Uses**

#### ARTICLE XI - CONDITIONAL USES

### 1100. Application and General Provisions

- A. Any landowner or authorized agent may apply to the Board of Supervisors for a Conditional Use as provided in this Ordinance.
- B. The Conditional Use shall be granted or denied pursuant to expressed standards and criteria set forth in Article 4 and the following general provisions.
  - 1. The proposed use should be consistent with the Joint Comprehensive Plan.
  - 2. The proposed use is compatible with the surrounding area and community at large, including its nature, intensity and environmental impacts, including but not limited to pollution, noise, hazards, congestion, illumination and glare, restriction on natural light and circulation of air.
  - 3. The proposed use is suitable for the site with respect to existing or future streets and will not create traffic congestion.
  - 4. The proposed use will be provided with adequate water supply, sewage disposal, storm drainage, trash and garbage collection and disposal.
  - 5. The proposed use shall be in conformance with all applicable requirements of this Ordinance, the Lewis Township Subdivision and Land Development Ordinance and the Lewis Township Storm water Management Ordinance and other pertinent Lewis Township ordinances.
  - 6. The Board of Supervisors may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

#### 1101. Procedures

- A. The Township Planning Commission shall have forty-five (45) days from the date of its receipt of the application to review the Conditional Use and submit an advisory report prior to the Board of Supervisors' hearing. The Planning Commission may have representation at the public hearing held by the Board of Supervisors.
- B. The Board of Supervisors' decision to grant a permit for a Conditional 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 additional review and public hearing by the Board of Supervisors.
- C. The Board of Supervisors shall render a written decision or, when no decision is called for make written findings on the conditional use application within 46 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- D. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Ordinance. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

E.	Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

# **ARTICLE XII**

# **Amendments**

#### **ARTICLE XII - AMENDMENTS**

### 1200. Text Amendment Or Map Amendment Procedures.

The Township may on its own motion or by petition, amend, supplement, change, modify, or repeal this Ordinance, including the Zoning Map, by following the provisions of this Article.

#### 1201. Text Amendment.

The approval of a text amendment by the Lewis Township Board of Supervisors shall be preceded both by public hearings, as provided herein, and by findings that such a change is needed for one of the following reasons:

- A. The use desired is not provided for in the text of the Ordinance, but is acceptable because:
  - 1. The proposed use is in accordance with the purpose of the zoning district.
  - There are similar uses in the district.
  - 3. The intensity of use proposed is consistent with other uses in the district. The Lewis Township Board of Supervisors, upon the recommendation of the Lewis Township Planning Commission, may adjust the intensity, landscaping, and other criteria to ensure that consistency is maintained.
- B. New conditions have arisen that have not been addressed in the Ordinance. These new conditions may be any one of the following:
  - 1. The Joint Comprehensive Plan has been amended or replaced and the Zoning Ordinance needs to be brought into conformity with the revised Plan.
  - 2. A changing market or other conditions require new forms of development or new procedures to meet changing needs.
  - New methods of development or providing infrastructure makes it necessary to alter this Ordinance to accommodate these new methods.
  - 4. Changing governmental finances requires amending the text of this Ordinance to be in keeping with the needs of government to provide and afford new public services.

### 1202. Map Amendment.

The Lewis Township Board of Supervisors may, by Ordinance, after recommendation by the Township Planning Commission, approve map amendments. An approval shall be preceded both by public hearings, as provided herein, and by findings that such a change is needed for one of the following reasons:

- A. The Joint Comprehensive Plan has been amended or replaced and the Zoning Map needs to be brought into conformance with the revised Plan.
- B. A mistake was made in the original map. That is to say, an area is, and has been, developing in a manner and purpose different from that for which it was mapped. Since the Township may have intended to stop an undesirable land use pattern from spreading, it must be demonstrated that the circumstance is not intentional.
- C. Changing conditions, such as new roads or utility lines, makes another location more favorable for development than the location originally planned.
- D. Growth rates have changed, thereby increasing the need for development in the Township.

#### 1203. Procedure For Text And/Or Map Amendment.

#### A. General.

- Whenever the public necessity, convenience, general welfare, or good zoning practice requires it, the Lewis Township Board of Supervisors may, after recommendation by the Township Planning Commission and subject to the procedure set forth in this Article, pass an ordinance to amend, supplement, or change the regulations, district boundaries, or classifications of property now or hereafter established by this Ordinance or amendments thereof.
- 2. A petition for amendment of this Ordinance may be made by any property owner in the area to be affected by the amendment; or by the Lewis Township Board of Supervisors or the Lewis Township Planning Commission.
- 3. The Township hereby expresses recognition of the fact that sections of Lewis Township are changing from a rural to a residential, commercial, industrial, or other character, and have in the official Joint Comprehensive Plan anticipated and sought to direct such present and future growth along desirable lines. It is inevitable that no such plan can be perfect or everlastingly valid. The Township, therefore, anticipates that the Joint Comprehensive Plan will need to be periodically amended and updated, as contemplated and authorized by the Pennsylvania Municipalities Planning Code, and that the zoning map must also be comprehensively amended from time to time in order that it may continue to be in conformity with the Joint Comprehensive Plan.

#### B. Petitions.

- Petitions for any change, either of district boundaries or classification of property as shown on the zoning maps, shall be submitted to the office of the Lewis Township Planning Commission. Petitions shall be on such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Planning Commission to ensure the fullest practicable presentation of facts for the permanent record.
- Petitions for either rezoning or text amendments to this Ordinance shall likewise be submitted to the Lewis Township Planning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.
- C. Fees. Each petition for an amendment or change to the zoning map by a private property owner must be accompanied by either a check payable to Lewis Township or a cash payment, in the required amount, as set by the Lewis Township Board of Supervisors. This fee is to cover the approximate procedural costs of the application; under no condition shall the fee or any part thereof, be refunded for failure of said amendment or change to be enacted into law.
- D. Public Hearing and Notice. The Lewis Township Board of Supervisors shall, at a public meeting, establish a date, time, and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general, local circulation. The first notice shall be published not more than thirty (30) days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and a description of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.
  - In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points along the affected tract at least seven (7) days prior to the date of the hearing.
- E. Opportunity to be Heard. During the public hearing, full opportunity to be heard shall be given to any citizen and all parties of interest.

- F. Municipal and Planning Commission Review. A copy of the proposed amendment or change, whether initiated by the Lewis Township Board of Supervisors or by petition, and notice of the public hearing, shall be referred to the township board of supervisors, township planning commission and the County Planning Commission at least thirty (30) days prior to the date of the public hearing. If the township board of supervisors or the planning commission shall fail to file a resolution in support or opposition to the Ordinance within thirty (30) days after the final public hearing, it shall be presumed that the township board of supervisors or planning commission have no comments or concerns regarding the proposed amendment, supplement, or change.
- G. Notice of Enactment. Prior to taking action on the amendment, the Lewis Township Board of Supervisors shall give notice of the proposed enactment by publishing the entire amendment or the title and a brief summary one (1) time in a newspaper of general, local circulation. Such notice shall be published not more than sixty (60) days or less than seven (7) days prior to passage.
- H. Action by the Lewis Township Board of Supervisors. After receiving the Lewis Township Planning Commission's recommendations on a proposed amendment, the Lewis Township Board of Supervisors may adopt the amendment by simple majority vote. Within thirty (30) days after enactment, a certified copy of the amendment shall be forwarded to the township board of supervisors and the township planning commission.
- I. Zoning Appeals. Any person aggrieved by a zoning amendment decision by the Lewis Township Board of Supervisors may appeal therefrom within thirty (30) days pursuant to the procedures established in the Pennsylvania Municipalities Planning Code, as amended.
- J. Repeat Petitions. Whenever any petition for an amendment, supplement, or change of the zoning or regulations herein contained (or subsequently established) has been denied by the Lewis Township Board of Supervisors, or where a petition has been withdrawn by the applicant after public notice has been given in accordance with subsection D, no new petition covering the same property and additional property can be filed with, or considered by, the Lewis Township Board of Supervisors until one (1) year has elapsed from the date of the filing of a previous petition.
- K. Curative Amendments. For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

# **ARTICLE XIII**

# **Legal Status**

#### **ARTICLE XIII - LEGAL STATUS**

## 1300. Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this Ordinance shall control.

### 1301. Validity

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or of any other part.

## 1302. Repealed

All ordinances or part of ordinances inconsistent with this ordinance are repealed.

#### 1303. Effective Date

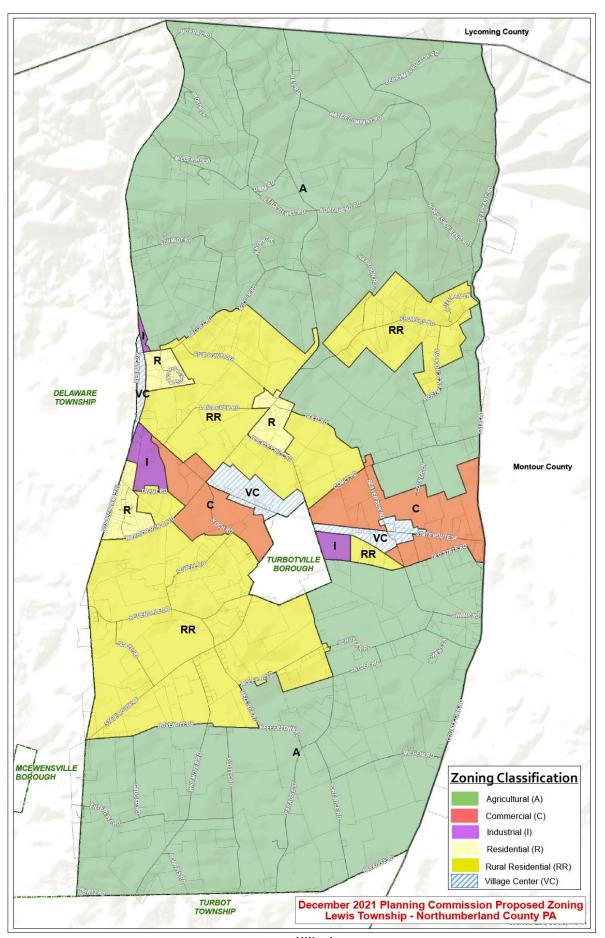
This Ordinance shall take effect on the 14th day of May, 2025.

#### 1304. Enactment

ENACTMENT AND ORDAINED INTO AN ORDINANCE THIS DAY 14TH OF MAY, 2025.

**RESOLVED, ENACTED AND ADOPTED** at a duly advertised public meeting of the Board of Supervisors held on the 14th day of May, 2025.

ATTEST:	TOWNSHIP OF LEWIS		
By: Lucinda Bomberger, Secretary	By:Ricky Dyer, Chairman		
	By:Brian Stackhouse, Vice Chairman		
	By:		
	Thomas Marshall, Supervisor		



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