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Lewis Township

Municipal Zoning Ordinance

Lewis Township Zoning Ordinance

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ORDINANCE NUMBER _____

PREAMBLE

THIS ORDINANCE IS ADOPTED TO PROMOTE, PROTECT AND FACILITATE THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; COORDINATED AND PRACTICAL COMMUNITY DEVELOPMENT AND PROPER DENSITY OF POPULATION; THE PROVISION OF ADEQUATE LIGHT AND AIR, VEHICLE PARKING, WATER, SEWAGE, AND RECREATION FACILITIES; AS WELL AS THE NATURAL, SCENIC AND HISTORIC VALUES OF THE ENVIRONMENT AND PRESERVATION OF AGRICULTURE, FORESTS, WETLANDS, AQUIFERS, AND FLOOD PLAINS. THESE GENERAL GOALS INCLUDE, AMONG OTHERS, THE SPECIFIC PURPOSES SET FORTH IN THE STATEMENTS OF INTENT OF THE VARIOUS REGULATIONS FOR THE RESPECTIVE DISTRICTS.

ARTICLE 1

GENERAL PROVISIONS

- 100 AUTHORITY – This Ordinance is adopted by the authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).
- 101 TITLE – This Ordinance shall be known and may be cited as the Lewis Township Zoning Ordinance.
- 102 PURPOSE – The provisions of this Ordinance have been designed to:
- A. Promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the 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; as well as preservation of the natural, scenic and historic values in the environment and preservation of forest, wetlands, aquifers and floodplains, and natural drainage.

- B. To prevent 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, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- E. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- F. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- G. Comply with federal and state floodplain management requirements.

103 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES – This Ordinance has been prepared in accordance with the *Lewis Township Comprehensive Plan*, 1996, as amended May 13, 2003.

104 ESTABLISHMENT OF CONTROLS

A. Minimum and Uniform Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

B. For New Uses and Structures

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

C. For Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of § 507.

D. Types of Controls – The following minimum and uniform regulations shall apply in the respective districts:

1. Use regulations, including Permitted, Special Exception, and Conditional Uses
2. Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply
3. Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Lots, Structures, Buildings, and Uses; Off-Street Parking and Loading; Projections Into Yards; Screening and Landscaping; Signs; and other unique conditions
4. Floodplain management provisions
5. Criteria for the evaluation of Special Exception and Conditional Uses

105 SEVERABILITY – Should any Section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other Section or provision of the Ordinance than the one so declared.

106 CONFLICTS

A. Repeal

All existing Ordinances or parts of Ordinances, which are contrary to the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

B. Relation to State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are in excess of this Ordinance. The Ordinance shall control in all cases where the State requirements are less than herein contained.

107 DISCLAIMER OF LIABILITY

- A. This Ordinance shall not create liability on the part of Lewis Township or any officer or employee thereof for any fire or flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

B. With regard to the floodplain management provisions of this Ordinance, the degree of

flood protection sought by these provisions are considered reasonable for regulatory purposes and are based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

C. Access to a public system (i.e. water or sewerage systems), when stipulated by this Ordinance, can not be guaranteed by the Municipality. The conditions and terms of access shall be set by the receiving authority or utility company.

108 EFFECTIVE DATE

This Ordinance shall be effective on July 1, 2003.

Adopted this 30th day of April, 2003

BOARD OF SUPERVISORS Henry M. Sanders - Chairman
Douglas A. Pepper
Curtis V. Englehart

109 AMENDED ORDINANCE DATE

This Amended Ordinance shall be effective on August 14, 2007.

BOARD OF SUPERVISORS Donald G. Shively - Chairman
Henry Sanders
Wayne E. Klingman
Karen L. Waters - Secretary

ARTICLE II

DEFINITIONS

200 **GENERAL INTERPRETATION** – For the purpose of this Ordinance, the terms and words listed in the Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary.

201 **RULES OF INTERPRETATION** – For the purpose of this Ordinance, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular case include the plural and words in the plural case include the singular.
- C. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used to be occupied, or offered for occupancy."
- D. The term "such as" shall be considered as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.

202 **APPLICABLE DEFINITIONS**

ACCESSORY USE OR STRUCTURE – A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use.

ACCESSORY APARTMENT – An accessory dwelling unit within a single family detached dwelling, which does not substantially alter the exterior appearance of the building. SEE § 501

ADULT ENTERTAINMENT – Adult book stores, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.

ADDITION – Any construction that increases the size of a building or adds to the building.

AEU – Animal Equivalent Unit

AEU PER ACRE – An animal equivalent unit per acre of crop land or acre of land suitable for application of animal manure.

AGRICULTURAL BUSINESS – An enterprise that is involved in transportation, manufacturing, sale, repair and/or salvage of agricultural equipment, supplies and products. Such a business shall derive a minimum of 50% of its business by dealing directly with agricultural operations. However, products offered for sale and raised on the farm shall be considered part of an Agricultural Operation and not an Agricultural Business.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ALLEY – A public or private way affording secondary means of access to abutting property.

ALTERATION – Construction which may change the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building.

ANIMAL EQUIVALENT UNIT – One thousand pounds live weight of livestock or poultry, regardless of the actual number of individual animals comprising the unit.

ANIMAL HOSPITAL – A facility operated by a Doctor of Veterinary Medicine for the treatment, housing or boarding of domestic animals.

APARTMENT – A living unit in a multiple family dwelling.

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

AUTOMOBILE SALES OR SERVICE – An area of land or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers, or for the retail sale of gasoline, oil, other fuel, or accessory for motor vehicles. For the purpose of this Ordinance, Automobile Sales or Services are classified as Retail Services.

BALCONY – An unroofed platform, enclosed by a railing or parapet, projecting from the wall of a building for the private use of tenants or for exterior access to the above grade living units. When a balcony is roofed and enclosed with operating windows, it is considered part of the room it serves.

BASEMENT – Any area of a building having its floor below ground level on all sides. A basement shall not be considered in determining the permissible number of stories.

BED AND BREAKFAST INN – A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14-day stay to avoid becoming multi-family rental dwellings.

BOARD – The Zoning Hearing Board for Lewis Township, Union County, Pennsylvania.

BOARDING OR ROOMING HOUSE – A dwelling or part thereof where meals or lodgings are provided for compensation for at least three (3) but not more than fifteen (15) persons not transients. This use shall not include Family Based Group Home and Group Care Facility.

BUILDING – Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING COVERAGE – The portion of a lot, expressed as a percentage, which may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

BUILDING HEIGHT – The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE – A line established by law or agreement, usually parallel to the property line, beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, terraces and steps.

BUILDING LINE, FRONT – The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

BUILDING LINE, REAR – The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

BUILDING LINE, SIDE – The line nearest the side of and across a lot establishing the minimum open space to be provided between the side lines of buildings and structures and the side lot line.

CAMP – A part-time or seasonal dwelling.

CAMPGROUND – A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this Ordinance, a Campground is classified as an Outdoor Recreation Use.

CARTWAY – The surface of a street or alley available for vehicular traffic.

CHURCH – A building used for public worship including separate buildings used for residential, educational, burial, recreational or other uses. For the purpose of this Ordinance, a church is classified as a Public or Quasi-Public Use.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerline. SEE Intersection Visibility in § 505

COMMERCIAL LIVESTOCK OPERATION – Any agricultural operation with thirty (30) or more combined hogs, cattle, sheep, goats, horses or other livestock, or five hundred (500) combined fowl.

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 of enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication 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.

COMMUNICATION EQUIPMENT BUILDING – An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER – A structure (other than a building) such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

COMMUNITY SYSTEM – A central water or sewerage system, the rates and service of which are not controlled by a government authority.

COMPLETELY DRY SPACE – A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN – A plan, prepared by the Planning Commission pursuant to Article III of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

CONDITIONAL USE – A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission.

CONDOMINIUM – A building, a group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSISTENCY – An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

CORE FARM TRACT – The core farm tract is the number of contiguous acres owned by the same person, persons or entity. For purposes of this provision, roads, alleys, streets, highways, natural or manmade boundaries and tax map parcels shall be disregarded for the purpose of determining if acres are contiguous.

CORRECTIVE/PENAL FACILITY – An institution for the housing of persons accused of or having been convicted of committing criminal offenses of a serious nature.

CULTIVATION OF CROPS – The use of land for raising crops and excluding the keeping of animals.

DAY CARE CENTER (CHILD DAY CARE CENTER) – The premises in which care is provided at any one time for seven or more children unrelated to the operator. Day care service may include nursery schools and preschools, but shall not include services provided by a physician or nurse, or facilities operated primarily for education, or care classified as a Family Day Care Home.

DECIBEL – The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

DENSITY – The average number of person, families or dwellings per unit of area (acre, square mile, etc.).

NET RESIDENTIAL DENSITY – Density of the building site.

GROSS RESIDENTIAL DENSITY – Density of the building site plus traversing streets, alleys and drives, open space and one-half of bounding streets.

DESIGNATED GROWTH AREA – A region within a county or counties described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

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

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT – Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DRIVEWAY – A vehicular way for entrance and exit to a property and circulation within the property.

DRY SPACE – See COMPLETELY DRY SPACE and ESSENTIALLY DRY SPACE.

DWELLING – Any structure, or portion thereof, which is designed or used for residential purposes. The term dwelling shall not be deemed to include motel, boarding or rooming house, bed and breakfast inn, hotel, hospital, or nursing home.

DWELLING, FARM – A dwelling unit located on a farm which is used as the residence of the owner of that farm or of persons necessary for the operations of the farm.

DWELLING, MOBILE HOME – A single-family detached factory manufactured dwelling build on a chassis. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles, which are placed on a site for more than 180 consecutive days.

DWELLING, MODULAR HOME – A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation.

DWELLING, MULTIPLE FAMILY – A building designed for or containing two or more dwelling units, sharing access from a common hall, stair, or balcony.

DWELLING, SINGLE FAMILY ATTACHED – See Townhouse.

DWELLING, SINGLE FAMILY DETACHED – A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

DWELLING, TWO-FAMILY – Two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

DWELLING UNIT – A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT – Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

ESSENTIALLY DRY SPACE – A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

ESSENTIAL SERVICES – Public utility and on-lot facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, mains, sewers, septic tanks, drain fields, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

FAMILY – An individual, or two (2) or more persons related by blood or marriage, or adoption, or including not more than 6 persons placed in a foster home by an authorized agency, or a group of not more than three (3) persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling.

FAMILY BASED GROUP HOME – A public agency licensed, supervised, or operated facility, which provides resident service in a private residence to 3 or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24 hour service and supervision in accordance with their individual needs. This category includes group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, foster care homes, nursing homes, hospitals, halfway houses, prisons, or jails. No Family Based Group Home shall be established within 500 feet of another Family Based Group Home or a Group Care Facility.

FAMILY CHILD DAY CARE HOME – A home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator. A family child day care home is permitted as a home occupation in the residential district.

FEED LOT – A concentrated animal or poultry operation for meat, eggs, or milk production, or stabling in pens. Also housing where animals or poultry are fed in confinement.

FLOOD – A temporary inundation of normally dry land areas.

FLOODPLAIN – A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation. The boundary of this area shall coincide with the boundary of the 100-year flood as defined in this Ordinance.

FLOODPLAIN AREA – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

FLOODPROOFING – Any combination of structural and nonstructural 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 designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

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.

FUTURE GROWTH AREA – An area of a municipal or multi-municipal plan outside of an adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

GARAGE, PRIVATE – A garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises or by individuals residing in the immediate vicinity of the private garage.

GENERAL CONSISTENCY, GENERALLY CONSISTENT – That which exhibits consistency.

GOVERNING BODY – The Board of Supervisors of Lewis Township, Union County, Pennsylvania.

GRADE –

FINISH – The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

NATURAL – The elevation of the original or undisturbed natural surface of the ground.

SUBGRADE – The elevation established to receive top surfacing or finishing materials.

GROUP CARE FACILITY – A public agency licensed, supervised, or operated facility which provides resident services to 4 or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24 hour services to meet their needs. This category includes group homes (all ages), halfway houses, resident schools, resident facilities, and boarding homes. This category does not include day care centers, family based group

homes, foster homes, nursing homes, hospitals, prisons, or jails. No Group Care Facility shall be established within 2,500 feet of another Group Care Facility or Family Based Group Home.

GROUP CHILD DAY CARE HOME – The premises in which care is provided at one time for more than six but fewer than 16 older school-age children or more than six but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another facility. For the purposes of this Ordinance a Group Child Day Care Home shall be treated as a Day Care Center.

HABITABLE FLOOR AREA – Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered as a part of the habitable floor area.

HISTORIC STRUCTURE – Any structure that is:

- (1) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

HOBBY FARMING – An activity involving the keeping or raising of animals on a property, including but not limited to, small animals and livestock, for personal or hobby use that does not involve ongoing production for the purpose of sales, trade or transfer.

HOME BUSINESS – A business conducted on a lot in conjunction with a residential dwelling unit. Such uses include taxidermy, lawn mower, or appliance repair shops,

motor vehicle repair, carpentry, woodworking, or metalworking shops, antique shops; and other similar uses compatible with the residential character of the lot and district.

HOME OCCUPATION – Any activity conducted entirely within a dwelling, accessory structure, or on a farm which is clearly consistent and subordinate to the use of the premises for residential or agricultural purposes and providing that the exterior appearance of the building is maintained and there is no exterior evidence of the secondary activity other than the sign permitted herein.

HOMEOWNER'S ASSOCIATION – An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Cluster Development or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

HOTEL – A building used as the temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

IDENTIFIED FLOODPLAIN AREA – The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

IMPERVIOUS SURFACE – That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, compacted subbase, etc. materials shall be considered impervious surfaces.

INDUSTRIAL PARK – A tract of land developed for industrial and manufacturing uses on individual lots usually utilizing a common access road and utilities.

INSTITUTION – A public or private facility providing for extended care of inmates or residents.

JUNK – Any discarded article or material not ordinarily disposed of as rubbish, garbage, refuse or solid waste, and including, but not limited to, scrap metal, scrapped, abandoned or junked automobiles, machinery, equipment, paper, rags, glass containers and other salvageable materials. For the purpose of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

JUNK YARD OR SALVAGE YARD – Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household machinery and the processing of used, discarded or salvaged materials as part of manufacturing operations.

KENNEL, BOARDING – A lot, building, or other facility in which four (4) or more dogs, cats, or other pets at least four (4) months of age are kept for the purpose of boarding, grooming or training for a profit. A boarding kennel will be considered a commercial business for the purpose of this Ordinance.

KENNEL, BREEDING – A lot, building, or other facility in which four (4) or more dogs, cats or other pets are kept for the purpose of breeding for a profit. A breeding kennel will be considered a commercial business for the purpose of this Ordinance.

LAND DEVELOPMENT –

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or
- (b) 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.

(2) A subdivision of land.

LOT – A piece or parcel of land undivided by any street or right-of-way and occupied or intended to be occupied by a principal building or use or a group of buildings conforming with the regulations of this Ordinance and its accessory buildings and uses, including all open spaces required by this Ordinance, and having frontage on a road.

LOT AREA – The computed area contained within the lot lines exclusive of any street rights-of-way, but including the area of any easement.

LOT, CORNER – A lot abutting upon two or more roads at their intersection or upon two parts of the same road and, in either case, forming an interior angle of less than one hundred thirty-five degrees (135°).

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

LOT, DOUBLE FRONTAGE – A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

LOT LINE – A legally defined line dividing one parcel of property from another.

LOT LINE, FRONT – The line separating the lot from roads upon which it abuts.

LOT LINE, REAR – The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE – Any lot line other than a front or rear lot line.

LOT WIDTH – The width of the lot measured at right angles to its centerline, at the front building line.

LOWEST FLOOR – The lower floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking vehicles, building access, and incidental storage; in an area other than a basement area which is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED (MOBILE) HOME – A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles, which are placed on a site for more than 180 consecutive days.

MANUFACTURED (MOBILE) HOME PARK – A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MANUFACTURING – The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MINERALS – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINOR REPAIR – The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED OCCUPANCY – The use of a lot for more than one principal use.

MOBILE (MANUFACTURED) HOME – See DWELLING, MOBILE HOME.

MOBILE (MANUFACTURED) 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.

MOTEL OR CONFERENCE CENTER – A building or group of buildings located on a lot, arranged and used for lodging of guests, including convenient parking space on the premises and facilities for service of food to lodgers and/or nonlodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or nonlodgers.

MULTI-MUNICIPAL PLAN – A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this act.

MULTI-MUNICIPAL PLANNING AGENCY – A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the Municipalities Planning Code, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multi-municipal issues, including, but not limited to agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

MUNICIPALITIES PLANNING CODE – Act of the Pennsylvania General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

MUNICIPALITY – The municipal corporation known as the Township of Lewis, Union County, Pennsylvania.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after June 20, 1977, and includes any subsequent improvements thereto.

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:

- (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 any equipment or process that 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 25% of the habitable floor area.
- (8) 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 sign or structure, the design or size of which does not conform to the regulations of this Ordinance for the district in which it is located.

NONCONFORMING USE – A building, structure, or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform with the use regulations of the district in which located.

NURSING HOME OR RETIREMENT VILLAGE – An institution providing for extended care of greater than three (3) residents, excluding a correction facility.

NUTRIENT MANAGEMENT ACT – Act of the Pennsylvania General Assembly No. 6 approved May 20, 1993 (P.L. 12), as amended.

ONE HUNDRED YEAR FLOOD – A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

OFFICE – A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

OFFICIAL MAP – A map established by the Board of Supervisors pursuant to Article IV of the PA Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

OPEN SPACE – That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

OUTDOOR RECREATION USE – Public or private outdoor recreational uses and activities, including but not limited to: campgrounds; recreational vehicle parks; marinas; day camps; picnic grounds; golf courses; boat launching and swimming areas; hiking, bike, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; trap and skeet ranges; and hunting and fishing areas.

PARKING LOT – A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

PARKING SPACE – A permanently surfaced area of not less than one hundred eighty square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

PERMANENT FOUNDATION – A foundation when constructed using approved methods and/or standards and materials shall remain intact for an interminable amount of time, and shall not be moveable or re-locatable.

PERMIT – A document issued by the Municipality, authorizing an applicant to undertake certain activities.

OCCUPANCY PERMIT – A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

ZONING PERMIT – A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

PERMITTED USE – Any use that does not require special action by the Zoning Hearing Board or by the Board of Supervisors before the Zoning Officer may grant a permit.

PERSON – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PLAN – A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

PLANNING COMMISSION – The Planning Commission of Lewis Township, Union County, Pennsylvania.

PORCH – A roofed or unroofed structure projecting from the front, side, or rear wall of the building, which shall have no wall more than 30 inches high and which shall be open on all sides, except the side adjoining the building.

PRESERVATION OR PROTECTION – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND – Land used for agricultural purposes that contains soils or the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services county soil survey.

PRINCIPAL USE OR STRUCTURE – A building housing the main or principal use of the lot on which the building is located.

PRIVATE AIRPORT – An airport, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, which is privately owned and which is not open or intended to be open to the public.

PROFESSIONAL OFFICE – Includes, but is not limited to, the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, author, or other similar professional occupations.

PROPERTY LINE – See 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 the Municipalities Planning Code and this Ordinance.

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 – Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC OR QUASI-PUBLIC USE – Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. post offices, churches, cemeteries, schools, recreation areas, community centers, fire halls, and other uses of the same general character.

PUBLIC SYSTEM – A water or sewerage system that is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

RECREATION AREAS – Areas for playgrounds, play fields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses. For the purpose of this Ordinance, a Recreation Area is classified as a Public or Quasi-Public Use.

RECREATION OR ENTERTAINMENT FACILITY – A profit or non-profit business in which amusement, entertainment, cultural events, play or other exercise is

offered or sold. This use shall not include the sale of products other than recreation. Such facilities may include but not be limited to theaters, clubs, lodges, social halls, indoor skating rinks, gymnasiums, and exercise centers.

RECREATIONAL VEHICLE – A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow-able by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE PARK – Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this Ordinance, a Recreational Vehicle Park is classified as an Outdoor Recreation Use.

REGULATORY FLOOD ELEVATION – The one hundred (100) year flood elevation.

RIGHT-OF-WAY – That portion of land dedicated to the public for use as a street, drain, ditch, stream, utility easement or cross walk.

ROAD – See STREET

ROADSIDE STAND – A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

RURAL RESOURCE AREA – An area described in a municipal or multi-municipal plan within which rural resource uses including, but not limited to agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

SCREEN PLANTING – A visual obstruction or suitable fence or wall at least six feet high or attractive, maintained shrubs or hedges a minimum of four feet high intended as a barrier to visibility, glare and noise between adjacent properties.

SETBACK LINE – See BUILDING LINE

SHOPPING CENTER – A commercial land development.

SIGN – Any exterior name, identification, description, display, or illustration exposed to public view, which directs attention to an object, product, place, activity, person,

institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

SIGN, ADVERTISING – A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

SIGN, AREA OF –

- (1) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- (2) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background or a different color than the primary color of the building.
- (3) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape that encompasses all the letters and symbols.

SIGN, BUSINESS – A sign that directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

SIGN, PORTABLE – Any sign or structure that is not securely attached to the ground or other structure.

SPECIFIC PLAN – A detailed plan for nonresidential development of an area covered by a municipal or multi-municipal comprehensive plan, which when approved and adopted by the participating municipalities through Ordinances and agreements, supersedes all other applicable Ordinances.

SPECIAL EXCEPTION USE – A use, which, by its unique characteristics, requires individual consideration by the Zoning Hearing Board before a zoning permit may be decided upon.

SPECIAL PERMIT – A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial

improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

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

STORY, FIRST – The lowest story or the ground story of any building, the floor which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.

STORY, HALF – A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

STREET – A public or private right-of-way of the required width, which affords the principal means of access for vehicles and pedestrians to abutting property. The term "street" shall include street, avenue, drive, circle, highway or any similar term except an alley.

STREET, ARTERIAL – A street serving a large volume of comparatively high speed and long distance traffic, including all streets classified as arterial streets in the Lewis Township Comprehensive Plan.

STREET COLLECTOR – A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the Lewis Township Comprehensive Plan.

STREET, MINOR – A street within subdivisions and developments, including a marginal access street and a cul-de-sac street, which are designed to afford primary access to abutting property.

STREET, PUBLIC – All streets and rights-of-way open to public use and maintained by, or dedicated to and accepted by the Township or the Pennsylvania Department of Transportation (PennDOT).

STREET, PRIVATE – All streets and rights-of-way not dedicated, accepted, and maintained as public streets.

STREET RIGHT-OF-WAY LINE – An established line marking the extent of the road or street right-of-way regardless of whether or not such right-of-way is dedicated.

STRUCTURE – Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, recreational vehicles, and other similar items. Public utility and on-lot facilities that do not require enclosure in a building (see ESSENTIAL SERVICES) shall not be considered structures.

STRUCTURAL ALTERATION – Any change in the structural members of a building, such as walls, columns, beams or girders, or an addition to any structure.

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

SUBSTANTIAL DAMAGE – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any construction, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SURFACE MINING – Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-

commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

SWIMMING POOL – A below or above grade level, open container with a surface area of 250 or more square feet and a water depth of twenty-four (24) or more inches.

TENT – A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

THEATER – A building or part of a building devoted to the showing of moving picture or theatrical productions on a commercial basis. See RECREATION or ENTERTAINMENT FACILITY.

THEATER, OUTDOOR DRIVE-IN – An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats. See RECREATION or ENTERTAINMENT FACILITY.

TOURIST HOME – See BED AND BREAKFAST INN

TOWNHOUSE – A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

TOWNSHIP – Lewis Township, Union County, Commonwealth of Pennsylvania.

TRACT SIZE – The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT – An area of land developed for a compatible mixture of residential units for various income levels and non-residential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of