

608 CORRECTIVE OR PENAL FACILITY – In addition to the use regulations of this Ordinance, a Corrective or Penal Facility shall comply with the provisions of the applicable Subdivision and Land Development Ordinance and the criteria enumerated below:

- A. A site plan shall be provided showing the tract of ground on which the use is proposed and illustrating the location of all existing and proposed buildings and structures to be used as part of the facility.
- B. An explanation of the traffic, sanitary and environmental safety measures to be utilized and made operational before commencing operations.
- C. An indication as to how the light fixtures to be used for security and night operations are to be designed and positioned to avoid directing glare onto adjacent roadways and neighboring properties thereby preventing nuisance effects associated with the lighting.
- D. A written commitment shall be presented, signed by the highest responsible official, indicating what operational policies, practices (including the size of the inmate population) and staffing plans are to be utilized and that they will provide on-going security and control to prevent unauthorized trespass on adjacent properties or unreasonable risk to the safety of nearby resident.
- E. An Emergency Response plan shall be provided which guarantees that the facility owner will either provide directly or provide to the Township whatever supplemental equipment, personnel, and financial resources are deemed necessary by the Township to properly train and develop the necessary capability for response to fire, explosion, riot, epidemic, or other potential incident.
- F. A Communications Plan shall be provided which defines in detail the manner in which Township officials, broadcast and print media, and all appropriate public safety officials will be notified and fully briefed on reportable incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from the Township to the owner.
- G. A Manpower Chart to identify the on-site or parent organization chain-of command by position and name.
- H. A Maintenance Plan to assure that the physical appearance of the facility will be kept in a sanitary and secure condition and will not adversely effect neighboring properties.

- I. All permits, licenses and approvals required from Federal or State agencies must be secured by the applicant and submitted to the Township as part of the application for the Corrective or Penal Facility. Revocation or suspension of any of these approvals will constitute an automatic revocation of the Township Zoning Permit.
- J. Nothing in this Section is intended nor shall be interpreted to attempt to regulate those aspects of Corrective or Penal Facilities which are specifically regulated by the Pennsylvania Department of Corrections or the U.S. Department of Justice, provided that the essential precautions are defined by such regulations in as much detail as required herein.

609 DAY CARE CENTER – A premise in which care is provided at any one time for seven or more children unrelated to the operator shall comply with the following provisions:

- A. A day care center shall be located in an area free from conditions dangerous to the physical and moral welfare of the children.
- B. At least sixty-five (65) square feet per child of well-drained, completely fenced outside play area, not including drives, parking areas or land otherwise unsuitable, shall be provided.
- C. At least forty (40) square feet per child of indoor child care space, not including bathrooms and hallways, shall be provided.
- D. The applicant shall provide a certificate of compliance or other documentation as necessary to show that the plans for the proposed day care center meet, where applicable, the licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare, Bureau of Child Care Services.
- E. A building floor plan shall be provided, drawn to scale, and showing the use and dimensions of each room and the location of entrances and exits.
- F. A site plan shall also be provided, drawn to scale, and clearly showing the following:
 - 1. The dimensions and acreage of the site and its relationship to surrounding properties.
 - 2. The layout of the entire project including the proposed use and location of all buildings.
 - 3. The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.

4. The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
5. The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
6. The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.
7. The location of existing and proposed utility lines, water courses and drainage lines and easements.
8. Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

610 FAMILY BASED GROUP HOME –

- A. The Family Based Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- B. No Family Based Group Home shall be established within five hundred (500) feet of another Family Based Group Home or a Group Care Facility.
- C. The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.
- D. The Family Based Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- E. The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- F. Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant care givers, and visitors.

611 FUNERAL HOME – Off-street automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. This area shall be in addition to the off-street parking spaces required for this use as stipulated in § 508.

612 GROUP CARE FACILITY

- A. The Group Care Facility shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- B. The Group Care Facility shall maintain a residential neighborhood character.
- C. The Group Care Facility zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- D. The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- E. Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant care givers, and visitors.
- F. The applicant for proposed Group Care Facility shall provide evidence of adequate sewer and water utilities for the facility from the municipal Sewage Enforcement Office or DEP.

613 HOME BUSINESS – A Home Business is conducted on a lot in conjunction with a residential dwelling unit. Such uses include lawn mower, or appliance repair shops; motor vehicle repair, carpentry, woodworking, or metalworking shops; antique shops; taxidermy and other similar uses compatible with the residential character of the lot and district.

- A. The Home Business shall be compatible with the residential character of the dwelling or the immediate vicinity. The Home Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.
- B. A Home Business shall only be conducted during daytime hours.
- C. The business shall be conducted by a resident of the dwelling, and no more than two (2) full-time equivalent employees shall be employed in the business.
- D. All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.

- E. The Home Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home Business.
- F. No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

614 HOME OCCUPATIONS (INCLUDING FAMILY CHILD DAY CARE

HOME) – A home occupation is conducted within a residence and does not change the essential residential character of the building. Such uses include arts and craft shops, studios, dressmaking, music lessons, tutoring, barber or beauty shops, business or professional offices, family day care, and other similar uses. In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

- A. The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate not exceeding four (4) square feet. (see Address Sign - § 511.B.1)
- B. Home Occupations shall be limited to the employment of not more than one (1) full-time equivalent assistant outside of the immediate family at any one time.
- C. The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than forty (40%) percent of the area of the first floor of the dwelling, nor more than one thousand (1,000) square feet. The floor area standards shall not apply to family day care homes. There shall be no exterior alterations, additions, or changes to the structure in order to accommodate the home occupation.
- D. All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.
- E. The majority of the goods or products sold on the premises must be produced on the premises.
- F. Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.
- G. For a Family Day Care Center a certificate of registration shall be maintained with the PA Department of Public Welfare, Bureau of Child Day Care Services.

615 SURFACE MINING – The applicant shall submit a site plan indicating areas proposed for excavation, proposed quarry and spoil stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

- A. The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.
- B. This use shall not be permitted within one hundred (100) feet of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.
- C. This use shall not be permitted within one hundred (100) feet of any cemetery or the bank of any stream.
- D. The applicant shall submit an appropriate screening plan, which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.

616 WASTE STORAGE OR PROCESSING FACILITY –

- A. No application considered for a Conditional Use under this Section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.
- B. All facilities considered for a Conditional Use under this Section shall not be located in the following locations (as measured from the property line of the Waste Storage or Processing Facility):
 - 1. Within ½ mile of a well or spring used for a community water supply
 - 2. Within ½ mile of a stream or impoundment for a distance of five (5) stream miles upstream of a surface water intake for a community water supply
 - 3. Within any 100-year floodplain or a larger area that the flood of record has inundated
 - 4. Within any wetland area
 - 5. Over any active or inactive oil or gas wells or storage areas

6. Over any formations of carbonate bedrock
 7. Within ½ mile of any National Landmark or historic site as listed on the National Register of Historic Places
 8. Within any Agricultural Security Area
 9. In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service
 10. Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building
 11. Within ½ mile of any designated Aquifer Protection Area or Well-head Protection Area
 12. Within one (1) mile of persons certified as "at risk" by at least two (2) physicians licensed by the Commonwealth of Pennsylvania
- C. Community and Environmental Impact Analysis – Applicants shall submit a Community and Environmental Impact Analysis, which shall consist of the following Information:
1. Hydrologic analysis and information
 2. Information concerning geologic conditions
 3. SCS soils classification information
 4. Information on mineral bearing areas
 5. Land use analysis
 6. Information regarding transportation impacts
 7. Information regarding emergency and safety services
 8. Economic impact analysis
 9. Air quality impact analysis

D. Application Requirements – The Applicant shall submit the following information pertaining to the site or project:

1. A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site
2. A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility
3. A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility
4. A statement of qualifications to operate a waste disposal facility
5. A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:
 - a. Facility construction and maintenance procedures
 - b. Operating procedures and practices, the design of the facility and its associated activities
 - c. Monitoring procedures, practices and standards necessary to assure safe operation of the facility
 - d. The services to be offered by the applicant to the community
 - e. The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision
 - f. Provisions for renegotiations of any term, condition or provision of the siting agreement
 - g. Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties
 - h. Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts
 - i. Provision for direct monetary payments to the township and special services to be provided for demonstrated adverse impacts
 - j. Provision to assure the health, safety, comfort, convenience and social and economic security of the township
 - k. Provision to assure the protection of environmental and natural resources
 - l. Provisions to compensate the township, the county and/or other agencies for the review costs incurred due to the applicants proposal, and to allow site access for review purposes

617 COMMERCIAL LIVESTOCK OPERATION

- A. All commercial livestock operations shall meet the requirements set forth in the Pennsylvania Nutrient management Act (3 P.S. § § 1701-1718) and the rules and regulations of the Pennsylvania Department of Environmental Protection and the State Conservation Commission in 25 Pennsylvania Code, Chapter 83, Subchapter D, Sections 83.201 – 83.491 as amended, for the preparation and submission of Nutrient Management Plans. In particular such operations shall meet the standards established pertaining to nutrient application, manure management, and manure storage facilities.
- B. The applicant shall furnish evidence from the Union County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If at any time, the conservation plan is amended, the applicant shall again furnish evidence from the Union County Conservation district that the amended plan has been approved.
- C. The applicant shall submit, abide by and demonstrate a working knowledge of written qualified evidence describing the methods that will be employed to:
 - 1. Minimize odor on nearby properties. Unless the methods employ the best possible techniques and materials that can be practicably applied to the proposed use, the application will be denied.
 - 2. Dispose of dead animals according to the regulations of the Pennsylvania Department of Agriculture. In the event of a catastrophic loss in which mass disposal is warranted, the Pennsylvania Department of Agriculture can require whatever disposal methods are deemed appropriate to safeguard animal and public health.
- D. The applicant shall furnish a letter from the Union County Conservation District attesting to the approval of the design of any on-site manure storage facilities and that such facility design is in compliance with the rules, regulations, and guidelines of the Pennsylvania Department of Environmental Protection.
- E. Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residences that are not that of the operator. The Township shall require the applicant to construct a dispersion buffer between the exhaust of the fans and nearby residences if there is no natural existing buffer. Such dispersion would require a vegetative berm or other equally effective treatment to effectively disperse or redirect the fan exhaust so that no direct exhaust velocity is perceptible at the property line.

- F. Any driveway or access drive providing for vehicular access to the proposed use shall maintain a fifty (50) foot wide radius for all turns and intersections.
- G. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the obtainment of another review by the Union County Conservation District.
- H. The following setbacks shall apply:
1. Any building or area used for the housing of livestock or poultry shall be set back at least five hundred (500) feet from the nearest existing residence other than the principal residence of the applicant. Where there is no existing residence, the setbacks shall be two hundred fifty (250) feet from a property line other than that of the applicant.
 2. Any building or area used for the housing of livestock or poultry shall be set back at least one thousand (1,000) feet from the nearest property line of any land within the Rural Residential District.

ARTICLE VII

FLOODPLAIN MANAGEMENT PROVISIONS

700 IDENTIFICATION OF FLOODPLAIN AREAS

A. Identification

The identified floodplain area shall be those areas of Lewis Township, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 28, 2007 and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof including all digital data sources

B. The identified floodplain area shall consist of the following specific areas:

1. Floodway Area (FW) –For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude. The boundary of the floodway is as indicated on official flood maps and the Flood Insurance Study (FIS), except that in areas where no flood maps or a FIS have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty feet (50') from the top of the bank of the stream. The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.
2. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

3. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
4. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a

floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

701 **CHANGES IN DESIGNATION OF AREA(S)**— The delineation of any of the identified flood-prone area(s) may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

702 **BOUNDARY DISPUTES** — Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Zoning Hearing Board, and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

703 **TECHNICAL REQUIREMENTS** —

A. General

1. With any FW (Floodway Area), the following provisions apply:
 - a. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
2. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

3. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. Elevation and Floodproofing Requirements

1. Residential Structures – Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
2. Non-Residential Structures –
 - a. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
 - b. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 - c. The design and construction standards and specifications contained in the IBC (§1603.1.2, § 1603.1.6, § 1605.2.2, § 1606.5, § 1612.5.1 and §3403.1. and ASCE 24 (§ 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space Below the Lowest Floor –

1. Fully enclosed space below the lowest floor (including basement) is prohibited.
2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwater for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- b. The bottom of all openings shall be no higher than one (1) foot above grade
- c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

704 ELEVATION AND FLOODPROOFING REQUIREMENTS FOR

ACCESSORY STRUCTURES – Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- B. Floor area shall not exceed six hundred (600) square feet.
- C. The structure will have a low damage potential.
- D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwater.
- E. Power lines, wiring, and outlets will be at least one and one-half (1½) feet above the one hundred (100) year flood elevation.

- F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure should be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria:
 - 1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - 2. The bottom of all openings shall be no higher than one (1) foot above grade.
 - 3. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

705 DESIGN AND CONSTRUCTION STANDARDS – The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- A. **Drainage Facilities** – Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- B. **Water and Sanitary Sewer Facilities and Systems**
 - 1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - 3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

- C. Streets – The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- D. Other Utilities – All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Fill – If fill is used, it shall
1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
 2. Consist of soil or small rock materials only – Sanitary Landfills shall not be permitted.
 3. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 4. Be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer.
 5. Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.
- F. Placement of Buildings and Structures – All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- G. Anchoring
1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse, or lateral movement.
 2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent floatation.
 3. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured

Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.

4. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Sec. 501.1-3) and the 2003 IRC (Sec. R323.2, R323.3, R102.7.1, R105.3.1.1 and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation

H. Floors, Walls and Ceiling

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.
5. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Secs. R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6).

I. Electrical Systems and Components

1. Electrical Components
 - a. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
 - b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
 - c. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003

IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

2. Equipment

- a. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- b. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2003 IBC (Sec. 1612.4), the 2003 IRC (Secs. R323.1.5) the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

J. Fuel Supply Systems

1. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

K. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
2. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
4. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2003 IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Secs. R323.1.7.)

L. Storage

1. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 8.5.6, Development Which May Endanger Human Life, shall be stored at least one and one-half (1½) feet above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

706 SPECIAL REQUIREMENTS FOR MANUFACTURED (MOBILE) HOMES

- A. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- B. Where permitted within any floodplain area, all mobile homes, and any improvements thereto, shall be:
 1. Elevated in accordance with the following requirements:
 - a. The stands or lots shall be elevated on compacted fill, or on piling so that the lowest floor of mobile home will be one and one-half (1½) feet or more above the elevation of the one hundred (100) year flood.
 - b. Adequate surface drainage is provided.
 - c. Adequate access for hauler is provided.
 2. Placed on a permanent foundation.
 3. Anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to the ground anchors:
 - a. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and mobile homes less than fifty (50) feet long requiring one additional tie per side, all over-the-top ties shall be attached to ground anchors.
 - b. Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - d. Any additions to the mobile home shall be similarly anchored.
 4. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.

5. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Sec. 501.1-3) and the 2003 IRC (Sec. R323.2, R323.3, R102.7.1, R105.3.1.1 and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.
6. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks and mobile home subdivisions where appropriate.

707 SPECIAL REQUIREMENTS FOR CAMPGROUNDS AND RECREATIONAL VEHICLES IN FLOODPLAIN AREAS

- A. Where campgrounds and recreational vehicles are located within the 100-year floodplain, Zoning Permits will only be valid from April 1 through November 1 of each year. All camping units, recreation vehicles, and associated accessory structures or facilities must be removed from the Floodway during the remainder of the year.
- B. Where campground and recreational vehicles are located within any designated floodplain area, a workable evacuation plan must be submitted by the owner as part of his application for a Zoning Permit. Said plan must ensure that all units will be removed from the floodplain during flood events.
- C. Anchoring may be required for units being placed permanently in campgrounds located outside of designated floodplain areas. However, units being placed in campgrounds located within a designated floodplain must remain on wheels and must be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports.

708 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the act, any new or substantially improved structure shall be prohibited in the identified floodplain area if it:
 1. Will be used for the production or storage of any of the following dangerous materials or substances.
 2. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises.

3. Will involve the production, storage, or use of any amount of radioactive substances.

B. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chloride
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorous
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

709 **ACTIVITIES PROHIBITED WITHIN FLOODPLAIN AREAS** – In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals
2. Nursing Homes
3. Jails Or Prisons
4. Junkyards

- B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

710 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

- A. Existing Structures – The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 710.B shall apply.
- B. Improvements – The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
 - 1. Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
 - 2. Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or less than its market value, shall be elevated and/or floodproofed to the greatest extent possible.
 - 3. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
 - 4. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
 - 5. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.

711 VARIANCE OF FLOODPLAIN MANAGEMENT PROVISIONS

- A. General – If compliance with any of the floodplain management provisions of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant a relief from the strict application of these requirements.

- B. Variance Procedures and Conditions – Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in § 800.1.D and the following:
1. No variance shall be granted for any of the other requirements pertaining specifically to Activities Prohibited Within Floodplain Areas (§ 709) or Development Which May Endanger Human Life (§ 708).
 2. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
 3. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
 4. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
 5. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.
 6. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

ARTICLE VIII

ZONING HEARING BOARD PROCEEDINGS

800 ORGANIZATION AND PROCEDURE

- A. Establishment – Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for Lewis Township.
- B. Appointment and Membership – The Zoning Hearing Board shall consist of three (3) members who are residents of Lewis Township who are appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Township’s intent to take such a vote.

The Township Board of Supervisors may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

- C. Appointment to Fill Vacancies – Appointments to fill vacancies shall be for the unexpired term of the member or members whose term becomes vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

801 POWERS AND DUTIES – The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act, of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

- A. To Hear and Decide Requests for Special Exceptions – Where the Governing Body, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria of this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in

addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Zoning Ordinance.

B. To Hear and Decide Appeals

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure, or lot.
2. The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development governed under Article V of the Pennsylvania Municipalities Planning Code.
3. The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
4. The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer, any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

C. To Hear and Decide Challenges to the Validity of any Land Use Ordinance

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Governing Body pursuant to § 609.1 and § 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.
2. The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.