

Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011

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Appendix

Appendix A:	Joint Zoning Map for Lower Alsace Township and Mount Penn Borough (2011)
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Appendix D:	Inset Map 3: Joint Zoning Map depicting the Carsonia Avenue Overlay District and the Perkiomen Avenue Overlay District within Mount Penn Borough

Article 1: Establishment and Application Provisions

Section 101: Preamble

An Ordinance establishing regulations, specifications and restrictions for: the uses of land and bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures including areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of land uses, within Lower Alsace Township and Mount Penn Borough, Berks County, Pennsylvania, and for said purposes dividing the municipalities (Lower Alsace Township and Mount Penn Borough) into districts and prescribing certain uniform regulations for each such districts and providing for the administrative enforcement and amendment provisions in accordance with the Pennsylvania Municipalities Planning Code.

Section 102: Short Title

This Ordinance shall be known as, and may be cited as the "Joint Zoning Ordinance of 2011" or as the "Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011".

Section 103: Purpose Statements

- (A) The Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough has been adopted in accordance with: the requirements of Pennsylvania Municipalities Planning Code; the goals, objectives and policies established within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough; and consideration for the overall character of Lower Alsace Township and Mount Penn Borough considering issues relative to growth, development, preservation and redevelopment. In addition, the Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough is designed to accomplish the following:
- (1) To promote, protect and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, proper density of population, civil defense, emergency management, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well.
 - (2) 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; loss of natural resources including farmland, woodland and water supply.
 - (3) To identify, protect and preserve important natural features and resources, with specific emphasis upon floodplains, stream valleys, wetlands, steep slopes and woodlands.
 - (4) To have planned aesthetic, innovative and orderly residential growth and development by considering environmentally sensitive land areas, agricultural uses, existing land uses, sewage disposal facilities, water supply facilities, utilities, infrastructure, groundwater recharge areas, and the rural characteristics.
 - (5) To sustain and improve the quality of life within the community.
 - (6) To conserve, protect, sustain and enhance the natural and scenic resources.
 - (7) To identify, preserve and protect the historical, architectural and cultural resources within the community.
 - (8) To preserve and encourage the continuation of agricultural uses as viable industry within the region.
 - (9) To provide a diversified housing supply that meets the existing and projected demands of the community.

- (10) To achieve and maintain a dynamic business climate to ensure a continuation of sound economic growth.
 - (11) To provide opportunities for commercial and industrial growth, development, revitalization and rehabilitation by considering environmental limitations, existing land uses, infrastructure, employment opportunities, and the suburban characteristics of Lower Alsace Township and Mount Penn Borough.
 - (12) To provide community facilities and services, which meet the needs of the community while staying within the fiscal budget limitations of Lower Alsace Township and Mount Penn Borough.
 - (13) To provide parks, recreation facilities and open space areas, which meet the needs of the residents within the community and region.
 - (14) To improve, maintain and plan sanitary sewage disposal facilities and water supply facilities in an effort to meet the needs of the community, protect the environment and support development consistent with land use plans.
 - (15) To ensure that all basic utilities including sanitary sewage facilities, water supply facilities, communication systems and energy supplies are available to serve existing and prospective uses within Lower Alsace Township and Mount Penn Borough.
 - (16) To promote, encourage and practice energy conservation.
 - (17) To provide and maintain a safe, efficient and diversified transportation system, which optimizes mobility, strengthens the economy and protects the environment.
 - (18) To achieve a high level of intergovernmental planning by coordinating efforts with local, county and regional groups within the public and private sectors.
 - (19) To implement the policies established by the Berks County Conservation Zoning Incentive Program (CZIP).
 - (20) To preserve, restore and enhance the natural, historic, cultural and recreational resources of the community while encouraging sustainable practices and compatible economic development to create healthy and vibrant communities in accordance with the goals and objectives endorsed by the Schuylkill Highlands Grant Program and the Pennsylvania Department of Conservation and Natural Resources.
 - (21) To implement the planning goals and objectives of the Shared Municipal Services Program endorsed by the Pennsylvania Department of Community and Economic Development.
 - (22) To make a reasonable effort to comply with the intergovernmental agreement for the implementation efforts associated the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The purpose statements contained in this Joint Zoning Ordinance are intended to provide overall guidance and direction, as well as to establish the foundation for community growth, development, preservation and redevelopment efforts within Lower Alsace Township and Mount Penn Borough. Should one or more purpose statements become unfeasible or cannot be implemented for any reason, the validity of this Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough shall not be invalid or unconstitutional.

Section 104: Community Development Objectives

The Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough attempts to emulate through its regulations the goals, objectives and policies of the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough. These regulations have been established with considerations to physical characteristics, population trends, housing characteristics, existing land use, community facilities and services and existing transportation characteristics.

Section 105: Regional Allocation of Land Uses

- (A) Through the preparation and adoption of the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, the municipalities (Lower Alsace Township and Mount Penn Borough) developed a future land use plan in order to provide for a regional allocation of land uses considering land use features, natural features, historical and scenic resources, community and economic development, demographics, community facilities, utility provisions and the transportation network. The Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011 has been prepared to be generally consistent with the intergovernmental agreement for the implementation efforts associated the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) Should a use not be permitted or recognized within this Joint Zoning Ordinance, an application should be made to the Lower Alsace Township Zoning Officer and the Mount Penn Borough Zoning Officer to consider in accordance with the provisions of this Joint Zoning Ordinance. If the use is considered undefined or not provided for within this Joint Zoning Ordinance, the provisions of Section 663 of this Zoning Ordinance shall apply.

Section 106: Application and Interpretation

- (A) Except as hereinafter provided, no building, structure, land, watercourses, or parts thereof within Lower Alsace Township and/or Mount Penn Borough shall be used or occupied, erected, constructed, assembled, moved, removed, demolished, eliminated, enlarged, reconstructed or structurally altered unless in conformity with the provisions of this Joint Zoning Ordinance.
- (B) The provisions contained within this Joint Zoning Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of Lower Alsace Township and Mount Penn Borough. Where the provisions of this Joint Zoning Ordinance impose greater restrictions than those of any other municipal statute, ordinance or regulation, the provisions of this Joint Zoning Ordinance shall be complied with. Where the provisions of any other municipal statute, ordinance or regulation impose greater restrictions than this Joint Zoning Ordinance, the provisions of such other municipal statute, ordinance or regulation shall be complied with unless otherwise stated in this Joint Zoning Ordinance.
- (C) This Joint Zoning Ordinance contains various supplemental matrix charts that are intended to specify certain zoning requirements or summarize certain zoning requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within the supplemental matrix charts, the provisions contained within the text shall prevail.
- (D) The requirements specified by state and federal laws, including those for code enforcement, construction, emergency management, property maintenance, communications, utilities and/or zoning, shall supersede the provisions of this Joint Zoning Ordinance.

Section 107: Exemptions

This Joint Zoning Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of said corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that the corporation, Lower Alsace Township and Mount Penn Borough have been provided notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

Article 2: Definitions

Section 201: General Interpretation

- (A) For the purpose of this Joint Zoning Ordinance, certain terms and words are defined under Section 202. The following guidelines shall be utilized to interpret the terminology of this Joint Zoning Ordinance:
- (1) Words used in the present tense shall include the future tense.
 - (2) Words in the singular shall include the plural and words in the plural shall include the singular.
 - (3) Words in the masculine shall include the feminine and the neuter.
 - (4) The word "shall", "must" or "will" is mandatory.
 - (5) The word "may" or "should" is permissive.
 - (6) The word "person" includes "individual", "corporation", "partnership", "organization", "association", "trust", or other similar entities.
 - (7) The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for".
 - (8) The word "building" shall be construed as if followed by the phrase "or part thereof".
 - (9) The word "structure" includes "building" and shall be construed as if followed by the phrase "or part thereof".
 - (10) The word "street" includes "expressway", "arterial", "highway", "thoroughfare", "avenue", "boulevard", "court", "lane" and "road".
 - (11) The word "watercourse" includes "channel", "creek", "ditch", "drain", "dry run", "spring", "stream" and "swale".
- (B) Any word or term not defined herein shall be used with a meaning of standard usage.

Section 202: Specific Terms

Terms or words used in this Joint Zoning Ordinance, unless otherwise expressly stated, shall be construed as defined below. When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Abandoned Vehicle: Any inoperable vehicle lacking a currently effective state license or inspection sticker, as further defined and regulated by Lower Alsace Township, Mount Penn Borough and/or the Commonwealth of Pennsylvania.

Abut: The state of being side by side, next to or adjoining one another.

Access Drive: An improved cartway or paved service road designed to provide vehicular access between the public road and the off-street parking area for the designated use. The term "access drive" shall be considered synonymous with "access lane".

Access Point: A clearly defined point of ingress and egress for vehicles at the street line.

Accessory Building or Structure: A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal use.

Accessory Use: A subordinate use of a portion of a lot, which is customarily incidental to the main or principal use of land or of a building on a lot.

Acre: Forty-three thousand five hundred sixty (43,560) square feet.

Act: The Pennsylvania Municipalities Planning Code, as revised, amended and/or codified.

Act 247: The Pennsylvania Municipalities Planning Code, as revised, amended and/or codified.

Act 537: The Pennsylvania Sewage Facilities Act, as may be amended from time to time.

Act 537 Plan: The Sewage Facilities Plan for Lower Alsace Township and/or Mount Penn Borough, as adopted by the governing body from the municipality with jurisdiction in accordance with Pennsylvania Act 537, as amended.

Adaptive Reuse and Redevelopment: The planned reuse, division and/or redevelopment of existing buildings, structures and land areas, subject to the requirements of Section 602 of this Joint Zoning Ordinance.

Adjacent: The state of being side by side, next to or adjoining one another.

Administrative Office(s): An establishment primarily engaged in overall management and supervisory functions, such as executive, personnel, finance, legal and sales activities, typically performed in a single location or building for other branches or divisions of the same company.

ADT (Average Daily Traffic): The average number of vehicles that pass over a given point per day.

Adult Business Use or Adult Entertainment Use: Any adult arcades, adult bookstore, adult cabaret, adult theater, adult mini-motion picture theater, adult novelty stores, adult video stores, escort agencies, nude model studios, sexual encounter centers, non-therapeutic massage parlor, or other similar adult business uses or adult entertainment uses, whereas, under the provisions of Lower Alsace Township and the State Obscenity Code, as amended, must exclude minors or may not knowingly disseminate to minors. The following sub-definitions shall also apply to adult business uses or adult entertainment uses:

- (1) **Adult Arcade or Mini-Motion Picture Theater:** An enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons within private viewing booths and/or by use of token, coin-operated viewing booths, projectors, video machines, or other electronic media sources projectors, as defined by Lower Alsace Township and/or the State Obscenity Code, as amended.
- (2) **Adult Bookstore and Adult Novelty Store:** A commercial establishment having as a substantial or significant portion of its stock in trade (for sale or rental) books, magazines, periodical, photographs, films, videos, motion pictures, slides or similar materials, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined by Lower Alsace Township and/or the State Obscenity Code, as amended. An adult bookstore and/or adult novelty store may include the sale of instruments, devices, novelties or paraphernalia, which are designed for the use in connection with specified sexual activities.
- (3) **Adult Cabaret:** A nightclub, bar, club, restaurant tavern, theater, or similar commercial establishments, which features: persons who appear in the state of nudity or semi-nudity; live performances which are categorized by the exposure of specified sexual activities or specified anatomical areas; and/or films, motion pictures, videocassettes, slides, or other photographic reproductions, which are categorized by the depiction or description of specified sexual activities or specified anatomical areas.
- (4) **Adult Establishment:** An adult business use and/or an adult entertainment use, as permitted under the Lower Alsace Township Zoning Ordinance.
- (5) **Adult Theater:** A theater, concert hall, auditorium, business, or similar commercial establishment, which features: persons who appear in the state of nudity or semi-nudity; live performances which are categorized by the exposure of specified sexual activities or specified anatomical areas; and/or films, motion pictures, videocassettes, slides, or other photographic reproductions, which are categorized by the depiction or description of specified sexual activities or specified anatomical areas.

- (6) **Escort:** A person who, for consideration, agrees, or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a striptease for another person.
- (7) **Escort Agency:** A person or business association, who or which furnishes, offer, or advertises to furnish escorts for a fee, tip, or other consideration, as part of its business.
- (8) **Nude Model Studio:** Any place where a person who appears semi-nude, in a state of nudity, or displays specific anatomic areas, and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, who may pay money or any other form of consideration.
- (9) **Nudity or State of Nudity:** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage, the showing of the female breast with less than fully opaque covering of any part of the nipple, the showing of the covered male genitals in a discernibly turgid state, or as defined by the Commonwealth of Pennsylvania.
- (10) **Seminude or Seminude Condition:** The state of dress in which clothing partially or transparently covers or exposes specified anatomical areas.
- (11) **Sexual Encounter Center:** A business or commercial enterprise that as one of its principal business purposes, offers for any form of consideration: physical contact in the form of wrestling or tumbling between persons of the opposite sex: activities between male and female persons and/or persons of the same sex when one or more of the persons is in the state of nudity or semi-nudity; any variation of “mud wrestling”; or any sexual encounter activities defined by the Commonwealth of Pennsylvania.
- (12) **Sexually Oriented Business:** Any adult business or entertainment use.
- (13) **Specific Anatomical Areas:** Human genitals, pubic region, anus, buttocks, female breasts(s) below a point immediately above the top of the areola, or human male genitals (covered or uncovered) in a discernibly turgid state, or as defined by the Commonwealth of Pennsylvania.
- (14) **Specified Sexual Activities:** Activities including: the fondling or other erotic touching of human genital, pubic region, buttocks, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; excretory functions as part of or in connection with any of the sexual activities set forth in this Joint Zoning Ordinance; or any specified sexual activities defined by the Commonwealth of Pennsylvania.
- (15) **State Obscenity Code:** Section 5903, Title 18, Pennsylvania Consolidated Statutes, as amended.

Age-Qualified Retirement Community: A unified planned residential development servicing the housing, personal needs and care of older persons, who are fifty-five (55) years of age or older, within residential units, and as further defined and regulated by this Joint Zoning Ordinance. This use is intended to provide housing opportunities for older persons in accordance with local, state and federal laws.

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.

- (1) **Agriculture (General):** The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry. This Joint Zoning Ordinance outlines the limitations for general agricultural activities. These limitations shall not disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act, the Right to Farm Law, the Nutrient Management Law, and the Agriculture Communities and Rural Environment (ACRE) Law.
- (2) **Agriculture (Intensive):** Specialized agricultural activities, including but not limited to mushroom, swine, dairy, beef and poultry production, and any other livestock production, which due to the intensity of production or raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes. Intensive agricultural activities shall also include general agricultural activities exceeding the standards

and specifications outlined under this Joint Zoning Ordinance. This Joint Zoning Ordinance also outlines the limitations for intensive agricultural activities. These limitations shall not disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act, the Right to Farm Law, the Nutrient Management Law, and the Agriculture Communities and Rural Environment (ACRE) Law.

- (3) **Agronomic:** The science and technology of utilizing plants for food, fuel, feed, and fiber in a sustainable environment by applying the sciences of biology, chemistry, ecology, earth science, and genetics.
- (4) **Aquaculture:** The raising and harvesting freshwater and saltwater organisms including mollusks, crustaceans and aquatic plants under controlled conditions.
- (5) **Horticulture:** The cultivation of fruits, vegetables, flowers and ornamental plants.
- (6) **Hydroponics:** The growing of plants without soil in water to which nutrients have been added. Other names for hydroponics are soil-less gardening, soil-less culture, chemiculture, and water gardening.
- (7) **Silviculture:** The science of controlling the establishment, growth, composition, health, and quality of forests over land areas, which are generally not suitable for a sustainable forest.

Airport: A private, public or commercial facility utilized for the landing and takeoff of aircraft including any appurtenant areas utilized as airport buildings or navigation facilities, which are permitted in accordance with local, state and federal regulations.

Alluvial Soils: Soils, which have been formed in alluvium and deposited by past stream or flooding conditions.

Alluvium: Soil material such as sand, silt or clay that has been deposited on land by past stream or flooding conditions.

Alteration(s): Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, such as bearing walls, columns, beams, girders, joists, rafters, headers, or enclosed walls, or any enlargement or modification thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another, or any other change of use of a building or a lot.

Alternative Energy Facility: A private facility capable of converting solar, water, wood, fire and/or wind into a viable energy source and utility provisions for a permitted use. Such facilities may include solar panels, wind turbines, geothermal heat pumps, wood-fired boilers and/or other similar alternative energy facilities deemed compatible by the municipality with jurisdiction. The provisions specified for alternative energy facilities are contained under Section 704 of this Joint Zoning Ordinance. The following terms shall specifically apply to alternative energy facilities:

- (1) **Alternative Energy:** A source of energy generated from solar, water, wind, wood, fire, geothermal or similar sources, which is capable of providing energy and utility provisions to a permitted use.
- (2) **Applicant:** A person or entity filing an application under this section of this Joint Zoning Ordinance.
- (3) **Attached Alternative Energy Facility:** A facility that is physically mounted, attached and/or connected (except utility and energy transfer connections) to a permitted principal building in accordance with all pertinent zoning, utility and building code requirements.
- (4) **Clean Wood:** Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with copper chromium arsenate, creosote, pentachlorophenol, or other substances that may be detrimental to the health, safety or general welfare of nearby residents.
- (5) **Facility Owner:** The entity or entities having an ownership interest in the alternative and/or emerging energy facility, including their successors and assigns.
- (6) **Freestanding Alternative Energy Facility:** A facility that is not physically mounted, attached and/or connected (except utility and energy transfer connections) to a permitted principal building. All such facilities shall be considered a separate or accessory structure that has the abilities to convert and convey energy to the principal use in accordance with all pertinent zoning, utility and building code requirements.

- (7) **Geothermal Heat Pump:** An energy system utilized for heating and cooling purposes through a series of heat-exchanging pipes or tubes integrated into the ground, groundwater or surface water with a heat-exchanging media that flows through a closed loop system. A pump forces either water or air through the system where it either gains or loses temperature before it circulates back to the heat pump.
- (8) **Hub Height:** The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade or other accessory components are attached.
- (9) **Landowner:** Any person(s) or entity owning property within Lower Alsace Township and Mount Penn Borough.
- (10) **Non-Participating Landowner:** Any landowner except those on whose property all or a portion of an alternative and/or emerging energy facility is located pursuant to the provisions of this Joint Zoning Ordinance.
- (11) **Operator:** The entity responsible for the day-to-day operation and maintenance of the alternative and/or emerging energy facility.
- (12) **Occupied Building:** A building located on a parcel of land utilized as a permitted use in accordance with the provisions of the Township.
- (13) **Private Energy and Utility Provider:** A principal use owned, operated and/or maintained by a private or independent utility company for the purposes of providing energy within a defined service area or grid system in accordance with the provisions established by the Public Utility Commission and the Public Utility Code.
- (14) **Solar Energy Systems:** A system that converts solar energy into thermal or electrical energy. The solar energy is collected through solar cells, modules and/or panels and then transferred to an inverter (DC to AC power), which can be utilized as an electrical source or transferred into the utility grid system
- (15) **Turbine Height:** The distance measured from the surface of the tower foundation to the lowest and/or highest point of the turbine rotor plane.
- (16) **Wind Turbine:** A wind energy conversion system that converts wind energy into electricity through the use of a generator, which may include a nacelle (shroud / cover), rotor, tower, transformer pad, blades, spirals, helixes and/or and the supporting energy apparatus.
- (17) **Wind Energy Facility:** An electric generating facility, whose main purpose is to convert and supply electricity to a permitted use. Such facilities may include wind turbines, blades, spirals, helixes and/or other accessory wind generating structures, which may also include buildings, substations, meteorological towers (for weather monitoring), electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- (18) **Wood-Fired Boiler:** An alternative energy facility designed to burn clean wood or other permitted solid fuels, which transfers heated air or liquid through a piping or ventilation system. All such systems are generally contained within an accessory structure that is not intended for habitation by humans or animals. An outdoor wood-fired boiler may also be known as outdoor wood-fired furnaces, outdoor wood-burning appliances, outdoor hydraulic heaters and/or waterstoves.

Ambient Noise Level: The sound pressure level at a given location, normally specified as a reference level to study a new intrusive sound source. The term “ambient noise level” may also be referred to as background noise level.

Amusement Arcade: A commercial establishment, which provides multiple amusement devices, games of skill or chance, video games, skeet-ball, and other similar devices.

Animal Hospital or Clinic: Refer to the definition of “Veterinary Hospital”.

Animal Husbandry: The raising and keeping of farm animals for any commercial purpose. The keeping of livestock and poultry as farm pets for domestic purposes shall not be considered as animal husbandry.

Animal Unit: A standardized measure that enables regulation of density or intensity of animal population upon an area of land. One (1) animal unit is equivalent to one thousand (1,000) pounds of animal(s), which shall include animals customarily raised as livestock or farm animals.

Antenna: A transmitting and/or receiving device utilized for communication.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure: Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving communications.

Antique Shop: A commercial establishment for the sale of antiques such as clocks, lamps, clothing, rugs, jewelry, furniture and similar items.

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

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

Appointing Authority: The governing body of the municipality with jurisdiction, which shall be either the Lower Alsace Township Board of Supervisors or Mount Penn Borough Council.

Architect: An architect registered by the Commonwealth of Pennsylvania.

Assisted Living Care Facility: A building, complex or distinct part thereof designed to foster assisted living care within permitted living units, where services are available to support the independence, autonomy, and aging of the resident. The term includes housing required to be licensed and managed as an assisted living care facility by the Commonwealth of Pennsylvania. The term does not include a personal care home, domiciliary care home, publicly financed housing, or residential uses within a planned residential retirement community.

Attic: That part of a building, which is immediately below and wholly or partly within the roof framing.

Automobile Sales: Any building or land area devoted to the retail sales of three (3) or more passenger vehicles (including automobiles, pick-up trucks and passenger vans), including accessory service and repair facilities, provided that they are subordinate to the principal use and conducted within a completely enclosed building.

Automobile Service Station and Repair Facility: Any building or land area devoted to the repair, servicing, restoration, reconstruction and maintenance of vehicles, including the retail sale of gasoline, motor oil, car washes, batteries and other similar vehicular accessories.

Banks and Financial Institutions: A commercial use that may be identified as a bank, savings and loan association, savings bank, credit union, financial institution, investment company, philanthropic foundation, or the office of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Joint Zoning Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

Barn: A structure that is typically utilized for the storage of farm products, agricultural equipment, animal feed and/or the housing of farm animals.

Basement: That portion of a building that is partly or completely below the grade plane. A basement shall be considered a story above grade plane when the finished surface of the floor above the basement is as follows: more than six (6) feet above the grade plane; more than six (6) feet above the finished ground level for more than 50 percent of the total building perimeter; and/or more than twelve (12) feet above the finished ground level at any point.

Bed and Breakfast Establishment: The use and occupancy of a single-family detached dwelling for the purpose of accommodating transient guests for compensation or rent up to a maximum of ten (10) consecutive days.

Block: A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of Lower Alsace Township, or by any combination of the above.

Board: The Lower Alsace Township Board of Supervisors, Berks County, Pennsylvania.

Board of Supervisors: The Lower Alsace Township Board of Supervisors, Berks County, Pennsylvania.

Borough: Mount Penn Borough, Berks County, Pennsylvania.

Borough Council: The Mount Penn Borough Council, Berks County, Pennsylvania

Buffer Yard: A continuous strip of land, which is clear of all buildings and paved areas and is adequately landscaped in accordance with this Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.

Building: Any combination of material forming any structure, which is erected on the ground and permanently affixed thereto, whereas the framed components or structural parts are designed for the complete enclosure (with walls and a roof) and support for individuals, animals or property of any kind.

Building Area: The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions. The definition of "building area" should not be considered synonymous or be compared with the any subordinate definitions for "lot area" including "lot area (building)".

Building Coverage: The percentage of a lot covered by principal and accessory buildings.

Building Envelope: The area of a lot that has no building or construction restrictions such as, building set back requirements, rights-of-way, easements, floodplains, wetlands, slopes over twenty (20) percent in grade, or similar restrictions as defined in this Joint Zoning Ordinance.

Building Frontage: The front of a building considering the location of the main entrance and the public street providing access. For corner lots, the building frontage shall be established along both streets to which the building has frontage or access.

Building Height: The vertical distance measured from the grade plane to the average roof height, as further defined by the appropriate building codes adopted by Lower Alsace Township and/or Mount Penn Borough.

Building Length: The longest horizontal dimension of a building, as measured in a single straight direction.

Building Setback: The minimum distance a building must be setback from the ultimate street right-of-way line (where it exists) or from the street legal right-of-way line (where the ultimate right-of-way does not exist) of the street immediately adjacent thereto.

Building Setback Line: The line within a property establishing the minimum required distance between any building, or portions thereof, to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line, which abuts the property, and the building setback line shall be parallel to said right-of-way line.

Business, Professional and Governmental Office: A principal use that is conducted within a defined space of a principal building, which is generally occupied by employees, equipment and supplies in order to facilitate the functions of subordinate office categories including: business offices; financial offices; professional offices; executive offices; management offices; municipal offices; governmental offices; and/or other similar types of office uses.

Café: A type of restaurant devoted to the sale of food and beverages to patrons either within an enclosed building and/or a small outside seating area. All such facilities may offer their patrons the option to consume the food and beverages either inside the restaurant or at an off-site location.

Campgrounds: A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles, tents and/or campers. In accordance with the provisions established under Section 609 of this Joint Zoning Ordinance.

Car Washing Facility: A commercial facility to clean the exterior or interior portion of automobiles, which may include self-service facilities or full-service facilities as a principal use or subordinate use.

Carport: A building open on two (2) or more sides and used in association with a dwelling for the storage of private motor vehicles.

Carsonia Avenue Overlay District: A special overlay to the underlying zoning districts within Lower Alsace Township and Mount Penn Borough that has been established to improve the aesthetics, architectural appearance, commercial centers, streetscape design and gateway within a defined corridor in accordance with the provisions specified under Section 502 of the Joint Zoning Ordinance.

Cartway: The portion of a street right-of-way, whether paved or unpaved designed for vehicular use.

Cellar: A story partly below the finished grade, having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

Cemetery: Land used or intended to be used for the burial of human or animal remains and may include columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Use and Occupancy: A statement issued and enforced by the Zoning Officer or other code official designated by Lower Alsace Township and Mount Penn Borough, whereas upon the completion, conversion, extension or modification of a new building or existing building, a certificate of compliance is issued and the building can be lawfully occupied for the intended use or activity.

Child: An individual considered by law to be a minor that is under eighteen (18) years of age. For the purposes of a day care center or facility, a child shall be considered any person who is under fifteen (15) years of age.

Church: Refer to the definition of “places of worship” of this Joint Zoning Ordinance.

Clear Cutting: The removal or destruction of all vegetation from an area of land, or the removal or cutting of more than ninety (90) percent of the woodlands on any lot or parcel of land.

Clear Sight Triangle: An area of unobstructed vision at a street intersection, as prescribed by Lower Alsace Township, Mount Penn Borough and/or the Pennsylvania Department of Transportation, which shall be measured thirty (30) inches above the ground elevation to ten (10) feet above ground elevation. The area is further defined by connecting three (3) points consisting of the point of intersection of the streets and a point located at a specified linear distance along the centerline of the intersecting streets.

Club, Lodge or Social Quarters: An association of persons for some common nonprofit activity, not including groups organized primarily to render a service which is customarily carried on as a business.

- (1) **Private Club or Country Club:** Land and buildings containing private or semi-private recreation facilities, social quarters, restaurants, meeting rooms, banquet facilities, bars, taprooms, and similar uses, for the exclusive use of the members and their guests.
- (2) **Social Club or Lodge:** Land and buildings containing recreation facilities, social quarters, restaurants, meeting rooms, banquet facilities, bars, taprooms, and similar uses, owned and operated by non-profit organizations for the exclusive use of the members or guests.

Commercial Composting: A commercial use involving the accumulation of biodegradable and organic materials from approved uses including: mushroom production uses; municipal uses; landscaping uses; nursery uses; forestry uses; and other similar uses, as determined appropriate by Lower Alsace Township; whereas, the composted materials are packaged, processed and/or transported from the commercial composting facility and utilized for other applications.

Commercial Recreational Use: A use or activity operated as a business that is open to the public for the purpose of recreation and entertainment, including but not limited to, bowling alleys, health or fitness clubs, swimming pools, miniature golf courses, museums, theaters, amusement arcades, and other similar commercial recreational uses as determined by the Zoning Officer.

Commercial Schools: An educational facility carried on as a business and not operated by a public agency. The range of curriculums can include, but not limited to, academic instruction, business, technical programs, art, music, dance, language, and other similar commercial school uses as determined by the Zoning Officer.

Commercial Use: A use or activity that includes, but not limited to, retail sales, businesses, offices, personal services, banks, financial institutions, restaurants, communications, recreation, and other similar commercial uses as determined by the Zoning Officer of the municipality with jurisdiction.

Commercial Use of Water Resources: The use of naturally occurring water when 5,000 gallons or more of such water is used on site per day or when 5,000 gallons or more of such water is exported or transported for use off site. "Naturally occurring water" shall mean all water above and below the ground surface.

Commercial Vehicle: Any motor vehicle utilized for a business or trade activity of any kind, including construction, excavating, earthmoving equipment, or similar equipment, regardless of the use, excluding a Class I and II motor vehicle, which is properly licensed by the Commonwealth of Pennsylvania.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, within a development, designed and intended for use or enjoyment of all residents of the development in which it is located. Common open spaces shall not include: land areas within street rights-of-way; required open areas between buildings; required open areas between buildings and street rights-of-way, driveways and parking areas; and other areas that may be specified within this Joint Zoning Ordinance. No dwelling unit, accessory building or parking area may be located within common open spaces.

Common Parking Area: A parking facility other than those provided within the lot lines of a lot on which one (1) single-family detached dwelling, one (1) single-family semi-detached dwelling, or one (1) townhouse is located.

Common Wall: A wall used or adopted for joint service between two (2) buildings or parts thereof.

Community Center: A public or quasi-public municipal, institutional or recreational use devoted exclusively to accommodate one or more group activities, including but not limited to, civic, social, recreational, educational, or cultural, or other similar activities determined appropriate by the Zoning Officer with municipal jurisdiction, and provided that the community center properly maintained and is not utilized as a residential use.

Completion: The act of bringing to a condition of physical completeness and readiness for use and occupancy.

Comprehensive Plan: The Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, as adopted by the Lower Alsace Township Board of Supervisors and Mount Penn Borough Council, including any related provisions, revisions, updates or amendments.

Conditional Use: A use in a particular zoning district by approval of the municipality with jurisdiction in accordance with the specific criteria set forth within this Joint Zoning Ordinance.

Conservation Overlay Districts: Overlay provisions established to consider conservation management, environmental resource protection, natural resources, and open space preservation. These provisions are intended to supplement and enhance the existing underlying zoning district regulations for certain land areas and water features including: floodplains; wetlands and hydric soils; steep slopes; woodlands; and riparian buffers.

Conservation Use: The preservation and utilization of land and surface water as wildlife habitats, forests, farmland, meadows, wetlands, lakes, streams, rivers, and other similar uses or features that involve no site improvements other than those required for education, recreation or municipal uses.

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

Construction: The placement of materials and equipment in a defined area to be assembled, built, applied and/or demolished in a temporary or permanent manner, as approved by the municipality with jurisdiction.

Construction Services: A use occupied by a contractor or construction company, which may include professional and business offices as well as accessory storage buildings or facilities for trucks, equipment and/or construction materials.

Construction Site: The total necessary land area required for all buildings or uses within a unified development before a zoning permit may be issued.

Convalescent Home: A facility primarily designed to provide a residential environment while patients recover from long term illnesses or medical procedures. Residents of convalescent homes anticipate a return to their own homes after recovery, although some will remain for the rest of their natural lives. Convalescent homes may include a combination of medical services and support staff. Post-surgical patients may be assigned to convalescent homes by their medical providers for long or short term physical therapy and monitored care recovery. Others persons suffering from chronic illnesses may be kept in convalescent homes to minimize transportation needs between treatments.

Convenience Store or Mini-Market: Refer to the term “retail convenience store” as defined by this Joint Zoning Ordinance.

Conversion: To change or adapt land or structures to a different use, occupancy or purpose.

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

Court: A portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure or buildings.

Critical Environmental Area: An area of land or water with one or more of the following characteristics: steep slopes; floodplain; wetlands; hydric soils; high water table soils; land subject to hazardous, municipal or industrial waste; fault areas; sinkholes; stream corridors; estuaries; habitats of endangered species; and/or other protected areas, species or habitats listed on the Pennsylvania Natural Diversity Inventory.

Curb Line: The point where the face of the curb meets the edge of the cartway. If no curb exists, the curblines shall be considered the edge of the improved cartway.

Curative Amendment: A proposed zoning amendment made to Lower Alsace Township and/or Mount Penn Borough by any landowner/applicant who desires to challenge on substantial grounds the validity of an ordinance which prohibits or restricts the use or the development of land in which the landowner/applicant has an interest.

Day Care Use, Center or Facility: The offering of care or supervision to minors or adults with special needs. The following sub-categories are related to day-care centers and facilities:

- (1) **Commercial Day Care Center:** A facility which, on a regular basis, exclusively provides supplemental care and supervision and/or instruction to seven (7) or more children or adults simultaneously, who are not related to the caregiver or operator, where tuition, fees or other forms of compensation are charged, whether governmentally subsidized or not, and which is licensed or approved to dispense child or adult care by the Commonwealth of Pennsylvania, and whether operated by a for-profit entity or a not-for-profit entity.
- (2) **Home Day Care:** A building used principally as a residence by one (1) adult caregiver resident thereof in which day-care services are simultaneously provided for four (4) to six (6) children or adults who are unrelated to the resident caregiver. Such residential property shall have an outdoor play area in the rear of the property of sufficient size to accommodate six (6) persons at once. For the purposes of this Joint Zoning Ordinance, “home day care” shall be synonymous with “family day care”.

Deck: An open or partially enclosed area of a permitted use, which is constructed in accordance with the provisions of the municipality with jurisdiction and is occupied for seasonal activities.

Dedication: The deliberate appropriation of land by its owner for general public use.

Deed: A written document whereby an estate in real property is described, conveyed and recorded.

Deed Restriction: Clauses included in a deed or other recorded document, which restricts, controls or limits the general use of a defined parcel of land or development.

Density: The total number of residential dwelling units per acre or lot area.

Designated Common Open Space: The area designated as “common open space” within a residential development, containing open areas for recreational uses and natural resource conservation.

Developer: Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

Development: Any man made change to improved or unimproved land, including but not limited to buildings or other structures, the installation of utilities, filling, grading, paving, excavation, mining, dredging or drilling operations.

Development Plan: A proposal for the development of land, prepared in accordance with the provisions specified by Lower Alsace Township and Mount Penn Borough, including a plan for subdivision or land development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Joint Zoning Ordinance shall mean the written and graphic materials referred to in this definition.

Diameter at Breast Height: The diameter of a tree trunk, as measured fifty-four (54) inches from the ground surface.

Dinner Theater: A building occupied as a commercial establishment for the purposes of serving food as a restaurant and entertaining patrons with live theatrical performances, which are considered to be a subordinate use to a restaurant and not to be an adult business or adult entertainment use. A "dinner theater" shall also be synonymous with a "theater".

Distance Between Buildings: The shortest horizontal distance between buildings.

District: A portion of Lower Alsace Township and Mount Penn Borough within which certain uniform regulations, permitted uses, procedural requirement, utility provisions and dimensional specifications, or combinations thereof, as they apply under the provisions of this Joint Zoning Ordinance.

Domestic Pets: The keeping and housing of non-farm animals as a non-commercial use, that are locally available for purchase as pets, as an accessory use to a primary residential use and not detrimental to the health, safety and welfare of the community. Any animal which requires the issuance of a permit by the Pennsylvania Game Commission or is classified as an exotic animal shall not be considered a domestic pet.

Drive-Through Service Facilities: An accessory commercial feature to a permitted use, where the patrons have the option to be provided services without leaving their vehicle, as permitted in accordance with the provisions of Section 806 of this Joint Zoning Ordinance.

Drive-Through Service Lane: The portion of a drive-through service facility that accommodates a motor vehicle by which the operator is in an active queuing position to order, purchase and pick-up the selected item without parking or leaving the vehicle. The drive-through service lane shall be located along the side and/or rear of the building.

Driveway: A privately owned and improved access drive, which provides vehicular access between a public road or an approved private road into the lot or parcel having frontage on the road.

Dry Cleaners: A commercial use and facility where clothing or fabrics are cleaned and pressed utilizing non-aqueous solvents, solutions or other accepted practices.

Dwelling: A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels and institutional residences are not included in the definition of dwelling. The following dwelling types are further defined as follows:

- (1) **Single-Family Detached Dwelling:** A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building.
- (2) **Single-Family Semi-Detached Dwelling:** A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a vertical common wall.
- (3) **Two-Family Detached Dwelling Unit (Duplex):** A building arranged, designed or intended for occupancy of two (2) families, living independent of each other in separate dwelling units that are separated by a common horizontal floor as opposed to a common vertical wall: A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a vertical common wall.

- (4) **Multi-Family Apartment Dwelling:** A building arranged, designed and intended to be occupied exclusively as a residence for three (3) or more families. Individual dwelling units may share up to three (3) part walls with other units and either have a common outside access areas or have individual outside access areas. Types of such buildings shall include apartments and/or condominiums.
- (5) **Townhouse:** A building arranged, designed and intended to be occupied exclusively as a residence for one (1) family, which is one (1) of a group of three (3) or more such buildings, placed side by side and separated by unpierced vertical common walls, each dwelling having at least one (1) separate entrance from the outside.
- (6) **Condominium:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common open space solely for the owners of those portions, created under either the Pennsylvania Unit Property Act, as amended, or the Pennsylvania Uniform Condominium Act, as amended.
- (7) **Mobile Home:** A transportable, single-family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- (8) **Modular or Manufactured Home:** Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site. Housing units defined as mobile homes are excluded from this definition.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living sleeping, eating, cooking and sanitation.

Easement: A defined parcel area of land or right-of-way, which is granted or conveyed for the limited use of land for public, quasi-public or private purposes.

Educational Use: A use having one or more of the following purposes: to educate or instruct individuals in a school setting with instruction directed towards academic, moral, intellectual, mental, physical and vocational instruction. Excepted from this definition are uses devoted to driver training schools, heavy equipment training schools, riding schools, private recreational uses, day-care centers, and other uses that are not considered academic in character.

Egress: A point of exit from a property.

Electric Substation: An assemblage of equipment for purposes other than generation or utilization through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the need of the general public.

Elevation: The horizontal alignment of a surface above mean sea level, as it exists in pre-development conditions or as it is proposed in post development conditions.

- (1) **Centerline Elevation:** The elevation of the street at the midpoint of the street.
- (2) **Curb Elevation:** The elevation of the street at the curb line.
- (3) **First Floor Elevation:** The elevation of the level of living space at the main entrance of the building.
- (4) **Garage Elevation:** The elevation of the garage floor at the center of the garage door.

Emergency Services Facility: A use that is principally devoted to emergency response or emergency management services, including structures and facilities for fire departments, police stations, ambulance stations, emergency management operations and community response networks.

Employee: A person hired by the owner or site manager of a permitted use in accordance with the provisions of this Joint Zoning Ordinance. The following terms for “full-time employee” and “part-time employee” are hereby defined:

- (1) **Full Time Employee:** A person who works thirty-two (32) or more hours per week on average week throughout the year.
- (2) **Part Time Employee:** A person who works less than thirty-two (32) hours per week on average throughout the calendar year.

Employees: The total number of workers (including both part-time and full-time) present on a parcel of land at any given time, other than temporary or occasional construction workers.

Engineer: A professional engineer, licensed as such in the Commonwealth of Pennsylvania.

Environmental Impact Assessment Report: A detailed written report that provides discussion of significant environmental impacts and provides reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the environment.

Erosion: The removal of soil, rock or surface particles by the action of water, wind, ice or other agents.

Essential Services: The erection, construction, alteration, or maintenance by a public utility, municipality or governmental agency for general utility services, including gas, electric, steam, water, sewage disposal, telephone and similar utility services, excluding telecommunication and wireless communication providers.

Excavation: Any act by which earth, sand, gravel or rock is dug into, cut, quarried, or moved.

Exotic Animal: Any animal, including mammal, bird or reptile, not normally raised as livestock, for work, or breeding purposes, and not defined as a domestic pet, or any animal which is wild, fierce, dangerous, noxious or naturally inclined to do harm which represents a danger to life and limb.

Fabrication and Finishing Use: An industrial facility and use, whereas, metals are joined, assembled, welded, brazed, soldered, coated, wrapped, blended and/or converted utilizing machines, equipment, chemicals, heat, water, lasers, plasma and/or other accepted techniques.

Facade: The front of a building facing a public or private street or any other building face that is given special architectural treatment.

Family: A family as defined by the laws of the Commonwealth of Pennsylvania, which may include: one (1) person occupying a single dwelling; two (2) or more persons related by blood, marriage or adoption, living together in single dwelling and maintaining it as a functional common household; and/or a group of not more than four (4) persons unrelated by blood, marriage or adoption, living together in single dwelling and maintaining it as a functional common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests but shall not include any roomer, boarder, lodger or persons residing in a group home.

Family Entertainment Complex: An indoor or outdoor facility providing recreational, educational, social and entertainment facilities, which are designed and intended as a commercial recreation use suitable for children and their parents.

Farm: An area of land, including all buildings, accessory buildings, farm buildings and one (1) single-family detached principal dwelling, which are utilized as part of an agricultural operation.

Farm Animals: The term includes chickens, ducks, pheasants, quail, swine, pigs, sow, hogs, boar, cattle, cows, heifers, calf, bulls, sheep, lambs, horses, llamas, alpacas, emus, ostriches and other similar animals, which are customary to a farm or agricultural operation, as further defined by the Pennsylvania Department of Agriculture. A "farm animal" shall not be considered as a "domestic pet" or an "exotic animal", as defined by this Joint Zoning Ordinance.

Farm Building: A barn, silo or any building used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. The term "farm building" shall not include dwellings.

Farm-Related Business: A business substantially devoted to serving an agricultural operation on a farm, as further regulated by this Joint Zoning Ordinance.

Farm-Support Business: An accessory business that is not substantially devoted to serving an agricultural operation on a farm, which is intended to provide supplemental income, as further regulated by this Joint Zoning Ordinance.

Fence: A manmade barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a wall.

Filter Strip: A strip of grass, trees or shrubs that filters runoff and removes sediment, fertilizer, pesticides, herbicides, fungicides or other poisons before they reach adjacent parcels of land or water.

Financial Institutions: Refer to the definition of “banks and financial institutions”, as defined within this Joint Zoning Ordinance.

Fire Apparatus Access Road: A road that provides fire apparatus access from the fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Flagpole: A flagstaff designed and solely intended for the patriotic display of the flag of the United States of America, or its armed forces, the Commonwealth of Pennsylvania or any political subdivision thereof, or the flag of a group or organization, or combination thereof, and for no other purpose. A flagpole shall not include a standard antenna, a standard antenna support structure, a commercial communications antenna support structure, tower, antenna or any other structure designed, intended or capable of supporting any other use or purpose.

Floodplain Ordinance: The most recent version of the Lower Alsace Township Floodplain Ordinance and/or the Mount Penn Borough Floodplain Ordinance, as adopted by the governing body with municipal jurisdiction.

Floodplain Overlay District: A conservation overlay of land and water, which have been defined within the Flood Insurance Study, as prepared by the Federal Emergency Management Agency, which principally include areas located along the streams, creeks and waterways of Lower Alsace Township and Mount Penn Borough. The Floodplain Overlay District is further defined and regulated under Section 503 of this Joint Zoning Ordinance.

Floor Area (Gross Floor Area). The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the centerline of wall separating buildings. In particular, the floor area of a building or buildings shall include: basement space; all spaces other than cellar space with structural headroom of seven feet, six inches (7'6") or more; interior balconies and mezzanines; enclosed porches, terraces or other space which are attached to the principal structure on at least one (1) side; attic spaces (with or without a finished floor) providing structural headroom of seven feet, six inches (7'6") or more is available over fifty percent (50%) of such attic space. However, the "floor area" shall not include: cellar space, except that cellar space used for retailing; elevator shafts, stairwells, bulkhead, accessory water tanks or cooling towers; terraces; breezeways; uncovered steps; open space; and/or accessory buildings.

Floor Area Ratio: The floor area in square feet of all buildings on a lot divided by the gross area of such lot in square feet.

Food Processing Facility: The assembling, mixing, treating, preserving and packaging of food or beverage substances within an enclosed building for distribution to other retail or wholesale establishments.

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 subdivision or land development activity. The following sub-definitions shall apply to forestry:

- (1) **Felling:** The act of cutting a standing tree so it falls to the ground.
- (2) **Landing:** A place or area where logs, pulpwood or firewood are assembled for transportation to processing facilities.
- (3) **Lop:** To cut tops and slash into smaller pieces to allow the material to settle close to the ground.
- (4) **Operator:** An individual, partnership, company, firm, association, or corporation, which is engaged in timber harvesting or forestry operations, including the agents, subcontractors and employees thereof.
- (5) **Pre-Construction Timber Stand:** A forestry practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value
- (6) **Skidding:** Dragging trees on the ground from the stump to the landing area by any means.
- (7) **Slash:** Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, broken or uprooted vegetation, or similar items.
- (8) **Stand:** Any area of the forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

(9) **Timber Harvesting, Tree Harvesting, or Logging:** The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

(10) **Top:** The upper portion of a tree that has little or no commercial resale value because of its small size, taper or defect.

Fuel: Solid, liquid or gaseous materials that can be utilized to produce heat or energy.

Funeral Home: A building used for the preparation of the deceased for burial, including the viewing of the deceased and any lawful rituals connected therewith before burial or cremation.

Game Preserve: A public or private area utilized for raising, protecting, breeding and/or hunting wildlife within a natural environment.

Garage Parking Facility: A building where motor vehicles may be stored for short-term, daily, or overnight off-street parking, operated as a commercial or public use. The term “garage parking facility” shall be synonymous with the term “commercial garage” or “public parking garage”.

Garage, Private Residential: An accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owners or tenants of the premises and for the storage of not more than three (3) motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one (1) commercial vehicle or truck may be stored in a private garage.

Garage, Public or Repair: A building, other than a private or storage garage, one (1) or more stories in height, used solely for commercial storage service or repair of motor vehicles.

Garage, Storage: A building, not a private residential or a public garage, one (1) story in height, used solely for the storage of motor vehicles used in conjunction with a business or industry, but not for the sale, service or repair thereof nor for the sale of fuel, accessories or supplies.

Geometric Design: The dimensions of a facility and the relationships of its features such as alignment, profile, grades, widths, sight distances, clearances, and slopes.

Golf Course: A public or private course with a minimum of nine (9) holes and a length of more than 2,000 yards.

Governing Body: The Lower Alsace Township Board of Supervisors and/or the Mount Penn Borough Council.

Government Use: Any activities, services or uses conducted by any agency or department of local, county, state or federal government, which are not related to municipal uses owned or operated by Lower Alsace Township or Mount Penn Borough.

Grade: The inclination of a street, surface area, site improvement or structure, whereas the grade is generally expressed by measuring the vertical rise or fall as a percentage of the horizontal distance.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at the exterior walls. Where the finished ground levels slope away from the exterior walls, the referenced plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Greenhouse: An enclosed building that is specifically designed and utilized to grow, raise, cultivate and/or sell plants, shrubs, flowers, trees private or similar products as part of a public, private or commercial use.

Greenway: A linear corridor of open space including natural features such as waterways, stream valleys, ridgelines, and scenic vistas, or along man-made features such as railroad beds or abandoned canals, which provide areas for wildlife habitats and recreational uses.

Grocery Store: A retail business use established primarily for the retailing of food and beverages but may also include routine household goods, electronics, entertainment rentals, office supplies, pharmaceuticals, pet supplies, cleaning products, equipment rentals, vehicle supplies, and ready-to-eat foods to the general public.

Group Home: A household of not more than five (5) persons, not necessarily related by blood, marriage, adoption, or legal guardianship, who, because of their physical or emotional condition, or their social or interpretation skills, otherwise would limit, inhibit, or prevent their ability to function as useful or productive members of society. All such group homes shall be provided with supported services through a licensed social service agency.

Hazardous Material: Substances that have the potential to damage health or otherwise may pose an immediate threat to human safety. Hazardous materials include, but are not limited to, inorganic mineral acids, sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts and metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Also included are floatable materials with the potential to cause physical damage under flood conditions, such as logs, storage tanks, and large containers. Any use involving the refining or processing of hazardous materials, hazardous waste, petroleum products, and/or containing flammable or explosive materials, shall not be permitted within Lower Alsace Township or Mount Penn Borough.

Hazardous Waste: Any garbage, refuse, sludge from: a wastewater treatment plant; sludge from a water supply treatment plant or air pollution facility; and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, for agricultural operations, and from community activities; or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed. Any use involving the refining or processing of hazardous materials, hazardous waste, petroleum products, and/or containing flammable or explosive materials, shall not be a permitted use within Lower Alsace Township or Mount Penn Borough..

Health Club or Fitness Center: A commercial recreation use that is typically contained within a facility utilized for health, fitness and/or recreational activities. All activities relating to an adult business use shall be prohibited within a health and recreation club.

Height of a Structure: The vertical distance measured from the average elevation of the ground or finished grade to the highest point of a structure. Refer to the term “building height” for definition of the height of a building

Heliport: A defined area to accommodate all phases of operation of rotor-wing aircraft or helicopters, with sufficient space for all required safety controls and maneuvers in accordance with all state and federal requirements, as well as to allow for the provision of service facilities.

Helistop: A defined area on a roof or on the ground to accommodate touch down and lift-off of rotor-wing aircraft or helicopters. All such areas shall have sufficient space to accommodate all required safety controls and maneuvers in accordance with all state and federal requirements, but in no case shall such area provide service facilities.

High Water Table Soils: Surface soils, which are within three (3) feet of the seasonal high water table. High water table soils are further defined, described and mapped by the Soil Survey of Berks County.

Highway Access Point: A place of ingress/egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the centerline of one (1) such point to the centerline of another such point.

Highway Frontage: The lot dimensions measured along the right-of-way line of any one (1) street or highway abutting a lot.

Historic Preservation Overlay District: A special overlay district established to provide provisions for subdivision, land development, aesthetics, architectural appearance, landscaping, signs and streetscape design, as further specified in Section 504 of the Joint Zoning Ordinance.

Historical Resource or Historical Site: A place, building, structure or site, whereas because of its’ local, state or national significance is considered as a historical site or resource. All such historical sites are identified as follows: by the National Register of Historical Places; by the Pennsylvania Historical and Museum Commission; and as identified in a planning document, reference manual, or publication that has been adopted by Lower Alsace Township and/or Mount Penn Borough.

Home Improvement and Building Supply Store: A retail business establishment occupying a single permitted retail use, which sells a variety of home, construction, and building products or supplies.

Home Occupation: An accessory use, which is customarily conducted within a residential use or a structure accessory thereto, which is clearly secondary and incidental to the residential use in which the practitioner resides. The following categories of home occupation are hereby defined:

- (1) **Category 1 Home Occupations:** A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the residential use 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 a residential use. A "Category 1 Home Occupation" shall be synonymous with "No Impact Home-Based Business", as defined by the Pennsylvania Municipalities Planning Code.
- (2) **Category 2 Home Occupations:** A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the residential use, which may involve some employee(s), 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 a residential use.

Horseback Riding School and/or Stable: A facility utilized to educate riders on equestrian skill and/or to board horses for the students within a humane environment.

Horticulture: The cultivation of fruits, vegetables, flowers and ornamental plants.

Hospitals and Medical Centers: An institution, licensed in the Commonwealth of Pennsylvania, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis, and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions. A hospital or medical center may include attached and detached accessory uses, provided that all accessory uses are contained upon the hospital property.

Hotel: A building or group of buildings containing five (5) or more individual rooms for rental, primarily for tourists or tenants, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

Hydric Soil: A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are defined, described and mapped by the Soil Survey of Berks County.

Hydroponics: An industrial use that involves the growing of plants in water to which nutrients or chemicals have been added. The term "hydroponics" shall be synonymous with the terms "soil-less gardening", "soil-less culture", "chemiculture", and "water gardening".

Impervious Coverage: The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces, which do not normally absorb rainfall.

Impervious Surface: A surface, which has been compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clayey soils, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces. "Net increase of impervious surface" refers to the difference between the existing impervious coverage and the total impervious surface proposed.

Impoundment Facility or Yard: A designated and secured area for the temporary storage of motor vehicles, which have been transported to the facility for a period of time not to exceed 120 days.

Improvement: Any type of structure, paved area and/or physical changes to the land, including but not limited to, grading, paving, stormwater management facilities, sidewalks, street signs, traffic control devices, monuments, utilities, water supply facilities and sewage disposal facilities.

Improvement Setback: The minimum distance an improvement must be set back from a street right-of-way or property line.

Improvements Agreement: An agreement that has been prepared in a form and manner acceptable to Lower Alsace Township and/or Mount Penn Borough requiring the applicant or developer to install the improvements required by this Joint Zoning Ordinance, the Subdivision and Land Development Ordinance and any improvements or amenities, which appear on the approved plan

Incinerator: A facility designed to reduce municipal solid waste, fuel, gas, refuse, or other material by combustion. This use may include heat exchange equipment for energy recovery.

Industrial Use: A use or activity that includes, but not limited to, assembling, manufacturing, distributing, processing, storing or warehousing of products and materials, and other similar industrial uses as determined by the Zoning Officer with jurisdiction.

Ingress: A point of entrance to a property

Institutional Use: A use or activity that includes, but not limited to, educational uses, churches, religious uses, assisted living care facilities, and other similar institutional uses as determined by the Zoning Officer.

Inter-Municipal Agreement: The Inter-Municipal Agreement for the Implementation of the Joint Comprehensive Plan, as endorsed by Lower Alsace Township and Mount Penn Borough.

Joint Comprehensive Plan: The Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, as adopted by the Lower Alsace Township Board of Supervisors and Mount Penn Borough Council, including any related provisions, revisions, updates or amendments

Joint Zoning Map: The Joint Zoning Map for Lower Alsace Township and Mount Penn Borough, as adopted as part of the Joint Zoning Ordinance, including any related provisions, revisions or amendments.

Joint Zoning Ordinance: The Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011, including any related provisions, revisions or amendments.

Junk or Salvage: Discarded materials, including, but not limited to, waste, paper, rags, glass, containers, fabric, and similar material from vehicles, equipment or machinery.

Junk Yard or Salvage Yard: A lot, land or structure, or parts thereof, used for the collection, storage, dismantling, salvage, sale, exchange and/or recycling of used and discarded materials, including, but not limited to, waste, paper, rags, glass, containers, fabric, debris, and similar material from vehicles, equipment or machinery. The deposit or storage of two (2) or more unlicensed, non-inspected, abandoned, wrecked or disabled vehicles shall be deemed to be a "junk yard" or "salvage yard", which as a result is not a permitted use within Lower Alsace Township and/or Mount Penn Borough.

Jurisdictional Determination (JD) - A site survey and review performed by the United States Army Corps of Engineers to assess and officially determine whether or not a defined parcel of land or water body is subject to wetlands regulations.

Kennel: Any property, including any building or structure thereon, where five (5) or more non-farm animals or domesticated pets over the age of twelve (12) weeks, which are kept or maintained for boarding, grooming, breeding, training, showing, selling or exchange to other individuals, subject to the provisions Section 627 of this Joint Zoning Ordinance.

Kitchen Facilities: An enclosed and weatherproofed room consisting of a sink with plumbing facilities, stationary stove/oven and a refrigerator, which complies with all codes adopted by the municipality with jurisdiction.

Laboratory: A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale. All such laboratories shall be licensed by the appropriate local, county, state or federal agencies to conduct lawful activities.

Land Development: Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: a group of two or more residential or 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 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.
- (3) Development in accordance with the provisions established by Lower Alsace Township, Mount Penn Borough and the Pennsylvania Municipalities Planning Code.

Landowner: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition). A lessee under a written lease who has written authorization of the legal owner shall be deemed to be a landowner for the purpose of this Joint Zoning Ordinance.

Landscape Architect: A landscape architect registered by the Commonwealth of Pennsylvania.

Landscape Center: A commercial retail facility where plants, vegetables, shrubs, trees, seeds, soil, fertilizer, mulch, stone, masonry products, hardscape products, wood products, water features, exterior lighting, fencing tools, equipment, and other similar products are purchased by consumers in order to enhance the exterior of a building or use.

Landscape Screen: A planting composed of non-invasive vegetative material arranged to form both a low-level and a high-level screen between grade and to a height of six (6) feet, which may include a combination of an earthen berm, evergreen shrubs, trees, hardscape materials and/or other materials determined acceptable by the municipality with jurisdiction.

Laundromat: A commercial use within a building intended for patrons to have clothing or fabrics cleaned and dried in machines for a fee.

Library: A public or private institutional use contained within a building in which books, periodicals, newspapers, pamphlets, prints, artistic material, records, and/or tapes, are systematically arranged, stored and maintained for reading, listening, viewing, referencing, purchasing and/or lending.

Light or Lighting: The illumination of an internal or external area with radiant energy that is capable of producing a visual sensation, whereas the electromagnetic spectrum typically extends from about 380 to 770 nanometers. The following specific terms shall apply to "light" and "lighting":

1. **Blinding Glare:** Intense glare that after an appreciable length of time may have an adverse visual problems, whereas a person may not be able to adjust their vision on an object.
2. **Candela:** The SI unit of luminous intensity. One candela is one lumen per steradian (lm/sr).
3. **Candlepower:** Luminous intensity expressed in candelas.
4. **Cutoff Angle (of a luminaire):** The angle, measured up from the horizon, between the vertical axis and the first line of sight at which the bare source is not visible.
5. **Cutoff Luminaire:** A luminaire light distribution is designated as cutoff when the candlepower per 1000 lamp lumens does not numerically exceed 25 (2.5%) at an angle of 90 degrees above the horizon, and 100 (10%) at a vertical angle of 80 degrees above the horizon.
6. **Footcandle:** A measure of intensity of light stated in lumens per square foot.
7. **Glare:** The sensation produced by lighting that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.
8. **IESNA:** Illuminating Engineers Society of North America.
9. **Illuminance:** The quantity of light per unit area, measured with a light meter in footcandles.
10. **Lamp:** A generic term for a man-made source of light.
11. **Light Trespass:** The casting of light that extends off of the subject property upon which the source of the light is located and/or intended to serve.
12. **Lumen:** SI unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela.
13. **Luminaire:** A complete lighting unit consisting of one or more lamps (light sources) together with the parts designed to control the light distribution, and other mechanical and electrical components.
14. **Luminance:** The emitted or reflected light from a surface; relates directly to perceived "brightness." The unit of luminance is the candela per square meter (cd/m²). Luminous Flux. Radiant flux (radiant power); the time rate of flow of radiant energy evaluated in terms of a standardized visual response.
15. **Luminous Intensity:** The luminous flux per unit solid angle in the direction in question. May be expressed in candelas or lumens per steradian (lm/sr).

16. **Nighttime:** The hours between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the center of the sun's disk is 6 degrees below the horizon, and begins in the morning when the center of the sun's disk is 6 degrees below the horizon.
17. **SI Unit:** The International System of Units (SI) utilized to measure light from a given source.
18. **Steradian:** The unit of measurement of a solid angle in a sphere.

Livestock: The term includes chickens, ducks, pheasants, quail, swine, pigs, sow, hogs, boar, cattle, cows, heifers, calf, bulls, sheep, lamps, horses, llamas, alpacas, emus, ostriches and other similar animals, which are customary to a farm or agricultural operation, as further defined by the Pennsylvania Department of Agriculture. The term "livestock" shall also be synonymous with the term "farm animal".

Loading Space: A defined space located within a lot or parcel of land, which has accessibility to a public street, for temporary use of commercial vehicles while loading or unloading merchandise and materials to the principal use and building contained on the lot or parcel of land.

Lot: A designated parcel, tract, or area of land, established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, regardless of size or ownership, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean parcel, plot, site or any similar term.

- (1) **Corner Lot:** A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty five (135) degrees. The front yard and lot width requirements shall apply to each street to which the corner lot has frontage. The other yards shall be designated as side yards.
- (2) **Interior Lot:** A lot other than a corner lot, the sides of which do not abut a street.
- (3) **Reverse Frontage Lots:** Lots that have frontage on two (2) public streets while restricting vehicular access solely from the public street which would front along the commonly identified rear of the lot.
- (4) **Through Lot.** An interior lot having frontage on two (2) parallel or approximately parallel streets.
- (5) **Flag Lot or Keyhole Lot:** An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise land locked interior parcel.

Lot Area (Gross): The total space contained within the lot lines.

Lot Area (Net): The total land area contained within the lot lines, excluding the following land and water areas: 100 percent of all areas exclusively contained within the existing and ultimate limits of street rights-of-way; 100 percent of all areas exclusively designated as an easement to accommodate utilities and/or stormwater improvements; 50 percent of the lands designated as the floodway; 50 percent of the land delineated as wetlands; and 50 percent of lands classified as Category 3 Slopes. Pursuant to the terms of this definition, the following formula for calculating the net lot area is hereby specified:

$$\text{GLA} - 100\% \text{ of ROW} - 100\% \text{ of ESM} - 50\% \text{ of FLD} - 50\% \text{ of WET} - 50\% \text{ of C3S} = \text{NLA}$$

GLA	=	Gross Lot Area
ROW	=	Total area exclusively within the limits of the existing, future and ultimate street right-of-way
ESM	=	Total area exclusively designated as an easement for utilities and/or stormwater improvements
FLD	=	Total area exclusively within the defined limits of the floodway.
WET	=	Total area exclusively delineated as wetlands.
C3S	=	Total area exclusively classified as Category 3 Slopes.
NLA	=	Net Lot Area

The net lot area for all proposed lots shall be no smaller than the required minimum lot size for the zoning district in which the lot is located. The net lot area calculations shall utilize the order or hierarchy of features specified by the formula, whereas, land and water areas shall not be calculated or classified in more than one (1) category. If required by municipality with jurisdiction, special studies, delineations and/or calculations shall be completed by the applicant in order to accurately verify the limits of the natural features.

Lot Area, Building: The provisions and the formula for calculating the required building lot area shall only apply to newly created lots, which have been considered as part of a subdivision or land development application. All such provisions and formulas are contained within the Subdivision and Land Development Ordinance.

Lot Coverage: The percentage of a lot covered by all impervious surfaces, as determined by the appointed Engineer or Zoning Officer with municipal jurisdiction.

Lot Depth: The mean average horizontal distance between the front and the rear lot lines.

Lot Frontage: That portion of a lot, which fronts on a single street.

Lot Line: The property line forming the front, rear or side boundary of a lot.

- (1) **Front Lot Line:** The line separating a lot from a street. The front lot line is also the street line.
- (2) **Rear Lot Line:** The lot line, which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten (10) feet long.
- (3) **Side Lot Line:** Any lot line other than a front or rear lot line.
- (4) **Street or Alley Lot Line:** A lot line separating the lot from a street or alley.

Lot of Record: A lot or parcel recorded in the Office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Width: The width of a lot measured at the legal right-of-way line of the street immediately adjacent thereto, unless otherwise specified by this Joint Zoning Ordinance.

Lower Alsace Township: Lower Alsace Township, Berks County, Pennsylvania.

Manufacture or Manufacturing Use: The assembling, creating, cleaning, fabricating, processing, testing, recycling, packaging, converting, distributing and/or repairing of raw materials, with the use of labor and machinery, of products that will be made available for sale. The term “manufacture” shall not include retail sales, personal services, solid waste disposal, truck distribution, mineral extraction, woodland extraction, forestry, exportation of groundwater, warehousing, or similar uses determined by the appointed Zoning Officer with municipal jurisdiction.

Manufactured Home Parks: A parcel or contiguous parcels of land, which has been so developed and improved to contain two (2) or more manufactured home lots for sale, lease or rent in accordance with the provision specified under Section 631 of this Joint Zoning Ordinance. The term “manufactured home park” shall be synonymous with the term “mobile home park”.

Massage Parlor or Therapeutic Massage Facility: A place of business where a person or persons engage in or carry on any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of any part of the body with the hands or with the aid of any mechanical or spa apparatus. This particular use shall only include licensed physicians or members of the American Massage Therapist Association.

Mean Sea Level: The average height of the sea for all stages of the tide, utilizing the most current National Geodetic Vertical Datum.

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

Medical, Dental, Vision and Counseling Clinic: A building or group of buildings occupied by medical or licensed practitioners and related services for the purpose of providing health and related services to people on an outpatient basis.

Medical Rehabilitation and Physical Therapy: A public or private facility utilized for the treatment, rehabilitation and training of outpatients to regain, develop or enhance their physical skills, condition or stamina, which have been lost or impaired through injury or illness.

Mineral Extraction: The act or process of mining or extracting minerals by activities conducted in accordance with the provisions of Lower Alsace Township and the Commonwealth of Pennsylvania.

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

Mixed-Use Commercial and Residential Use: A combination of uses within a building or group of buildings, which includes a permitted commercial use occupying the first floor and no more than four (4) residential apartment units occupying the second and third floors, as regulated under Section 634 of this Joint Zoning Ordinance.

Mobile Kitchen: A vehicle that is capable of being transported or towed to a designated location in order to serve food and beverages to patrons as a temporary use in accordance with the provisions established by this Joint Zoning Ordinance.

Motel: A building or group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or tenants, each of which is provided with an independent exterior entrance and off-street parking space. The term “motel” includes, auto courts, motor courts, motor inns, motor lodges, roadside hotels, or similar accommodations.

Mount Penn Borough: Mount Penn Borough, Berks County, Pennsylvania.

MPC: The Pennsylvania Municipalities Planning Code, as amended and codified.

Municipality: Lower Alsace Township and/or Mount Penn Borough, Berks County, Pennsylvania.

Municipality with Jurisdiction: The municipality on which a lot, use, subdivision, land development, building, structure, improvement, street, natural feature, stormwater management facility, utility and/or other feature is clearly located or proposed, which may require further review and approval by either Lower Alsace Township or by Mount Penn Borough in accordance with the Joint Zoning Ordinance and/or the Subdivision and Land Development Ordinance.

Municipal Use: A use owned and maintained by Lower Alsace Township and/or Mount Penn Borough for public recreation, parks, open space, swimming pools, golf courses, spectator sports, municipal offices, police station, emergency management facilities, sanitary sewage disposal facilities, water supply facilities, utilities, community centers, solid waste disposal areas, recycling centers, composting facilities, road materials and equipment storage and similar governmental or municipal uses.

Museum: An institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits, for purposes of study, education, and enjoyment, the tangible and intangible evidence of people, their history, and environment.

Non-Commercial Animal Composting: A legal method of disposing of dead farm animals.

Nonconforming Lot: A lot, which does not meet with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Joint Zoning Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board.

Nonconforming Structure or Building: A structure or building, or part thereof, which does not meet the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Joint Zoning Ordinance or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such Zoning Ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: A building, structure, sign or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Joint Zoning Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of such Zoning Ordinance or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

Nursery and Greenhouse: A commercial use involving the raising and selling of plants, shrubs, flowers, trees, vegetables and other landscaping products as a wholesale use. Retail sales of the products grown on site may be permitted as an accessory use to the nursery and greenhouse operation.

Nursing Home: A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center, personal care center or convalescent home.

Obstruction: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, structure, fence, stockpile, refuse, fill or other matter, which may impede, retard or change the normal direction or path of air, water or any modes of transportation.

Occupancy: The possession of any structure, building, land area or water body, with the intent to remain for the purpose of residing, conducting business, or performing social, recreational, cultural, educational, municipal, governmental, institutional, religious, charitable, or similar uses.

- (1) **Permanent Occupancy:** Occupancy for a period in excess of 120 consecutive days within one (1) calendar year.
- (2) **Temporary or Seasonal Occupancy:** Occupancy for a period less than 120 consecutive days within one (1) calendar year or as prescribed by the Joint Zoning Ordinance.

Office: A principal or accessory use that is conducted within a defined space of a building, which is generally occupied by employees, equipment and supplies in order to facilitate the functions of subordinate office categories including: business offices; financial offices; professional offices; executive offices; management offices; municipal offices; governmental offices; and/or other similar types of office uses.

Official Map: A legally adopted map that depicts the location of existing and proposed streets, public utilities, public facilities and/or public areas, which may be adopted the by Lower Alsace Township and/or Mount Penn Borough in accordance with the provisions of Article 4 of the Pennsylvania Municipalities Planning Code.

Official Zoning Map: The Joint Zoning Map of Lower Alsace Township and Mount Penn Borough.

Open Area: Land or water areas in which no buildings or impervious surfaces are located.

Open Space: The unoccupied space, land area, or water body, that is located on approved lot or development, which is open to the sky and not occupied by buildings, structures, sidewalks, off-street parking areas, access drives or other impervious areas.

Ordinance: The Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011, including any related provisions or amendments.

Outdoor Storage: The external storage of materials, products and accessory components of a use, which conforms to the normal functions and procedures conducted on that use in accordance with this Joint Zoning Ordinance.

Outside Sales: All sales conducted outside of a principal building. Commercial outdoor sales shall comply with the provisions specified by this Joint Zoning Ordinance.

PA: The Commonwealth of Pennsylvania.

Pad Site: A designated parcel of land, lease area or lot within a unified development that is capable of being improved and occupied by a permitted principal use as part of an approved land development plan.

Park: A tract of land, designed and utilized by the general public for active and/or passive recreation purposes.

Parking Lot: An off-street area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

Parking Perimeter: The external limits of the permitted or approved off-street parking area.

Parking Space: A reasonably level space, available for the parking of one (1) motor vehicle, not less than ten (10) feet wide and twenty (20) feet deep, which shall have an area of not less than two hundred (200) square feet exclusive of passageways or other means of circulation or access.

Patio: An area or courtyard, which is not covered by a roof or permanent awning, and is designed for seasonal outdoor living purposes, as an accessory use to the principal structure or building.

Paved Area: The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces, which do not normally absorb rainfall.

Perennial Stream: A body of water flowing in a channel or bed composed of substrates associated with flowing waters and capable, in the absence of pollution or other manmade disturbances, of supporting a benthic macro-invertebrate community which is composed of two (2) or more recognizable taxonomic groups of organisms which are large enough to be seen by the unaided eye and can be retained by United States Standard No. 30 sieve (28 meshes per inch, 0.595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system.

Performance Guarantee: A form of security, which may be required of a developer by Lower Alsace Township and Mount Penn Borough in order to assure that certain improvements within a subdivision or land development are sufficiently completed in accordance with the approved plan over a given period of time, as prescribed by this Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.

Perkiomen Overlay District: A special overlay to the underlying zoning districts within Mount Penn Borough that has been established to improve the aesthetics, architectural appearance, commercial centers, streetscape design and gateway within a defined corridor in accordance with the provisions specified under Section 505 of this Joint Zoning Ordinance.

Permit: A document issued by the proper regulatory agency authorizing the applicant to undertake certain activities as specified on the application or permit.

- (1) **Building Permit:** A permit issued for a specific building, structure or land use, which indicates that the proposed construction, alteration, development, reconstruction, or similar activities are in accordance with the appropriate construction provisions established by the municipality with jurisdiction, and authorizes an applicant to commence with the activities specified on the application or the provisions of the permit.
- (2) **Occupancy Permit:** A permit issued for a specific building, structure or land use, which indicates that certain construction, alteration, reconstruction, development, or similar activities have been completed and inspected in accordance with the appropriate provisions established by the municipality with jurisdiction, and allows the applicant to occupy the building, structure or land area in accordance with the provisions of the permit.
- (3) **Seasonal, Special Use or Temporary Permit:** A permit issued for a specific building, structure or land use, which indicates that the activities are in accordance with the provisions established by the municipality with jurisdiction, and authorizes an applicant to commence with the seasonal, special use or temporary activities for a defined period of time, not to exceed sixty (60) cumulative days within a calendar year or as specified on the permit.
- (4) **Sign Permit:** A permit issued for a specific on-premises or off-premises sign.
- (5) **Zoning Permit:** A permit issued by the Zoning Officer with municipal jurisdiction for a specific building, structure or land use in accordance with the provisions specified by this Joint Zoning Ordinance.

Permitted Use: A use permitted in a particular zoning district or overlay district, which is designated to occupy or use land for a specific purpose in accordance with this Joint Zoning Ordinance.

Person: The term shall be construed to include an individual, partnership, public or private association or corporation, limited liability company, firm, trust, business trust, estate, foundation, municipality, governmental entity, public utility, other association or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Personal Care Home: Residences that provide shelter, meals, supervision and assistance with personal care tasks, typically for older people, people with physical, behavioral health, or cognitive disabilities who are unable to care for themselves but do not need nursing home or medical care. Personal Care Homes shall be licensed and inspected by the Pennsylvania Department of Public Welfare and other state agencies with jurisdiction.

Personal Service Establishment: A building or portion of a building in which the services of a person permitted to practice a specified profession are offered to the general public. Examples of such professions may include, accountants, agents, architects, barbers, beauticians, lawyers, planners, therapists, optometrists, photographers, tailors, therapeutic massage, electronic repair technicians, or other similar personal service establishments as determined by the Zoning Officer.

Places of Worship: Land areas occupied by buildings, churches, synagogues, mosques, retreat centers, monasteries, seminaries, convents, shrines, cemeteries, and other similar non-profit facilities, as further defined under Section 641 of this Joint Zoning Ordinance, which are primarily used for religious or spiritual worship.

Plan: A proposal for development, subdivision or land development, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities, which complies with this Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.

Planning Commission: The Lower Alsace Township Planning Commission and/or the Mount Penn Borough Planning Commission, Berks County, Pennsylvania.

Pole Building or Pole Barn: An accessory building that is generally utilized for storage that is typically built from treated poles that are anchored into the ground with the metal or aluminum sides attached in accordance with the specifications of the manufacturer. All such accessory buildings are not intended for human habitation

Porch: A roofed or unroofed structure projecting from the front, side or rear wall of a building, which is typically opened on three (3) sides.

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 or Resources: Prime agricultural soils or land areas as defined by this Joint Zoning Ordinance and/or the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.

Principal Building: A building in which a principal use on a lot is carried on.

Principal Use: The main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which they may be occupied or maintained under the terms of this Joint Zoning Ordinance. Unless otherwise specified by this Joint Zoning Ordinance, only one (1) principal use shall be permitted on a lot.

Printing or Publishing Facility: A commercial, industrial or institutional use where documents, newspapers, magazines, books, literature, reference materials, periodicals, manuals, maps, music, advertisements, signs and other materials are proofed, evaluated, critiqued, reproduced and sold to consumers.

Professional: An occupation practiced or performed by an individual who has been formally educated or trained for such occupation and who is typically, but not necessarily, licensed or certified in such occupation.

Public Grounds or Land Areas: All such areas including: parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by Lower Alsace Township and/or Mount Penn Borough, intended to inform and obtain public comment, prior to taking action in accordance with this Joint Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

Public Meeting: A forum held pursuant to notice under the requirements of this Joint Zoning Ordinance, the Pennsylvania Municipalities Planning Code and the "Pennsylvania Sunshine Law".

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation within Lower Alsace Township and Mount Penn Borough. 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Quarrying or Mining Operations: The removal or extraction of minerals, rock, natural resources, or other products of earth, either on the surface or below the surface, in accordance with the provisions of this Joint Zoning Ordinance and the Commonwealth of Pennsylvania.

Quarry Support Activities: Those activities or subordinate uses to a quarry operation, which may include a bituminous asphalt plant, concrete manufacturing facility, concrete plant, concrete and asphalt recycling facility, demolition recycling facility, manufacturing facility and/or similar quarry support uses that are intended to complement or support quarrying or mining activities.

Recreation Area (Active): Land area containing recreational facilities, which may require visitors or participants to become involved in physical or energetic functions, primarily group functions. Active recreation areas may include, but not limited to, athletic fields, basketball courts, baseball fields, softball fields, football fields, soccer fields, tennis courts, playgrounds, tot lots, community centers, golf courses, hockey rinks, skateboard areas, swimming pools and volleyball courts.

Recreation Area (Passive): Land area containing recreation facilities, which may require visitors or participants to become involved in quiet functions that do not require physical or energetic functions. Passive recreation areas may include, but not limited to: common open space; trails for walking or bicycling; surface water for canoeing or fishing; land preserve areas for hunting; pavilions; picnic areas; cultural centers; scenic vistas; and amphitheaters.

Recreation Facilities: Land, water, buildings, structures, apparatuses and/or equipment, which are required to accommodate recreational uses.

Recreational Uses: An active or passive recreational use designed to accommodate physical, leisure, sporting or relaxation activities on land or water. Recreational uses may include, basketball, baseball, football, bicycling, walking, jogging, running, golfing, fishing, boating, hunting, hockey, skating, skateboarding, soccer, softball, swimming, tennis, volleyball, racquetball, exercise/fitness, bowling, billiards, bird watching, picnicking, equestrian events, rodeos, automobile racing events, demolition derby events, motorcycle exhibitions, shooting ranges, or any other similar recreational uses, as determined by the Zoning Officer with municipal jurisdiction.

- (1) **Commercial Recreational Uses:** A recreational use in which members of the community congregate and a fee is typically paid to occupy or utilize the recreation facilities. A family entertainment complex, health club, recreation club, sports arena, community center and similar facilities shall be considered as a commercial recreation use.
- (2) **Non-Commercial Recreation Uses:** A recreational use in which members of the community may congregate and no fee is paid to occupy or utilize the recreation facilities.

Recreational Vehicles: A vehicle of any size, which is designed as a temporary dwelling or living unit for travel, recreation and vacation uses. Recreation vehicles may include motorized vehicles designed to be self-propelled or non-motorized vehicles designed to be towed or carried by another vehicle including campers, pickup coaches, travel trailer, all-terrain vehicles, motorcycles, dirt bikes, snowmobiles, and similar vehicles. Recreation Vehicles are further defined as follows:

- (1) Category 1 Recreation Vehicles are less than two hundred (200) square feet, as measured within a contained area around the outer limits of its perimeter. All such recreation vehicles are further described as: those recreational vehicles, travel trailers, utility trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, out-rigging fishing poles), but will be measured to the highest point of any fly-bridge or other boat console.
- (2) Category 2 Recreation Vehicles are more than two hundred (200) square feet, as measured within a contained area around the outer limits of its perimeter. All such recreation vehicles are further describe as follows: those recreational vehicles, travel trailers, utility trailers, boats (including trailers), and other trailers used solely for the transport of the residents recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, out-rigging fishing poles), but will be measured to the highest point of any fly-bridge or other boat console.

Regulated Hunting Grounds: A public or private area utilized for raising, breeding and/or hunting wildlife within a natural environment.

Religious Use: Land areas occupied by buildings, churches, synagogues, retreat centers, monasteries, seminaries, convents, shrines, cemeteries, and other similar non-profit facilities, as further defined under Section 641 of this Joint Zoning Ordinance, which are primarily used for religious or spiritual worship.

Renewable Energy System: Equipment and devices utilized to store, convert, process and/or transmit a natural source of energy (solar, wind, rain, surface water, ground water, geothermal and other similar sources) into a primary or alternative energy supply source, which provides service to a permitted use on an approved lot. The term “renewable energy system” shall be synonymous with the term “alternative energy facility”.

Rental Business: A commercial use in which machinery, equipment and goods, but not motor vehicles, are rented to customers for temporary use pursuant to a short-term rental contract, including the sale of machinery, equipment and goods as an accessory use. For the purposes of this definition: “machinery” means equipment, which requires a motor to operate; “equipment” means any non-motorized device permanently attached to and movable on wheels; and “goods” means any other rental items.

Rental Unit: A defined area within a building or structure, which is rented or leased to accommodate residential or non-residential uses, as permitted by Lower Alsace Township and/or Mount Penn Borough.

Research Facility: A commercial, industrial or institutional facility utilized for testing, sampling or research in a controlled laboratory environment.

Residential Cluster Design for the RC District: A conservation zoning and development technique utilized to preserve open space, protect natural features, and encourage a form of cluster design involving low density single-family dwellings within the RC Zoning District, as further specified under Section 645 of this Joint Zoning Ordinance.

Residential Cluster Design for the R-1 District: A conservation zoning and development technique utilized to preserve open space, protect natural features, and encourage a form of cluster design involving low density single-family dwellings within the R-1 Zoning District, as further specified under Section 646 of this Joint Zoning Ordinance

Residential Cluster Design for the R-2 District: A conservation zoning and development technique utilized to preserve open space, protect natural features, and encourage a form of cluster design involving medium density single-family dwellings within the R-2 Zoning District, as further specified under Section 647 of this Joint Zoning Ordinance.

Residential Use: A use within a permitted dwelling unit, designed and utilized as the living quarters for one (1) or more families living independently of each other. Residential uses may be permitted within single family detached units, single family semi-detached units, two family attached units, mobile homes, apartment units, townhouse units, and secondary housing units, provided the type of dwelling unit is a permitted use within the zoning district to which it is located, and provided that the dwelling unit is designed to comply with the standards and specifications referenced by this Joint Zoning Ordinance.

Restaurant: A commercial establishment devoted to the sale and consumption of food and beverages to patrons within an enclosed building, while the patrons are seated at counters, booths, or tables. A restaurant may include an area or use devoted to outdoor eating, retail sales, social quarters, meeting rooms, bars, taverns, taprooms, and similar uses.

Restaurant, Fast Food or Drive-Through: A restaurant devoted to the sale of food and beverages to patrons either within an enclosed building, at a pick-up counter, through a drive-through service lane, and/or through a delivery service. All such facilities may offer their patrons the option to consume the food and beverages either inside the restaurant or at an off-site location.

Resource Recovery Facility: A facility or land that is used for any one (1) or a combination of the following or similar uses: composting, incineration, material separation, recycling or trash transfer. A resource recovery facility is not permitted within Lower Alsace Township and/or Mount Penn Borough.

Retail Business Use: A commercial establishment devoted to the sale of products and services to patrons within an enclosed building. Retail uses may include establishments selling food, groceries, beverages, clothing, business or office supplies, entertainment items, furniture, home improvement supplies, household products, personal care supplies, building supplies, sporting goods, equipment, machines, computers, electronics, pet supplies, medical supplies, agricultural supplies, automobile supplies, firearms, and other similar retail uses as determined by the Zoning Officer.

Retail Convenience Store: A building with less than 10,000 square feet in gross floor area, which is opened to the general public for up to 24 hours per day and designed and intended to be utilized solely for both the retail sale within the building of limited food items, beverages, take-out only delicatessen, newspapers, magazines, and incidental personal care items (but excluding the sale of prescription drugs and clothing) and the location within the building of not more than two ATM banking machines for the convenience of the general public, and the retail sale of gasoline outside of the building when dispensed from gasoline fueling positions located under a canopy.

Retirement Community: A unified planned residential development servicing the housing, personal needs and care of age-qualified persons, who are fifty-five (55) years of age or older, within residential units, as further defined and regulated by this Joint Zoning Ordinance. All such developments shall be adopt and enforce deed restrictions to ensure that the retirement community is securely managed to the satisfaction of the municipality with jurisdiction.

Right-Of-Way: The width or area of land, which is dedicated or reserved to accommodate streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes, street lights, and other public improvements.

- (1) **Legal Right-Of-Way:** The existing width or area of land, which is currently owned and maintained by Lower Alsace Township, the Commonwealth of Pennsylvania, and/or other public agency or authority.
- (2) **Ultimate or Required Right-Of-Way:** The width or area of land, which is determined necessary to reserve and/or dedicate in order to accommodate future public improvements.

Riparian Buffer Overlay District: A conservation overlay of land and water, which include areas of stream valleys, floodplains, wetlands, hydric soils, high water table soils with hydric components, and steep slopes, as further defined and regulated under Section 506 of this Joint Zoning Ordinance.

Sanitary Facilities: The required plumbing fixtures within a dwelling unit including a sink, toilet, bathtub or shower, which are functioning and compliant with the provisions of the municipality with jurisdiction.

Sanitary Sewage Disposal System: A system designed to collect, convey, treat and dispose of sewage from users in compliance with local, county, state and federal regulations.

- (1) **On-Lot System:** A sewage disposal system which collects, conveys and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.
- (2) **Community System:** A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.
- (3) **Public or Municipal System:** A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant.
- (4) **Optional System Requirement:** A special or unique use of land, which because of its wastewater disposal requirements may have the option to utilize on-lot sewage disposal methods or connect to a private, community, public or municipal treatment system. The selected method for wastewater collection, conveyance and treatment shall be consistent with the sewage plans and ordinances adopted by the municipality with jurisdiction.

Satellite Dish Antenna: A device incorporating a reflective solid surface in the shape of a dish, cone or horn, which is used to transmit and/or receive signals.

School: A building or group of building intended to provide or facilitate an educational use including pre-schools, nursery schools, kindergartens, elementary schools, secondary schools, technical schools, trade schools, vocational schools, business schools, colleges and/or universities, which are licensed and accredited as an education facility.

Screen or Screening: An assemblage of permissible materials, which are strategically arranged so as to effectively block or obstruct the views between adjacent or adjoining properties from ground level to a height of six (6) feet above grade level, or as determined by the appointed Zoning Officer with municipal jurisdiction.

Seasonal Pool: An essential and unique wetland habitat, which is typically small, shallow, ephemeral water bodies, and have no permanent inlet or outlet. Seasonal pools are filled by rain and snow melt, which typically dry-up for a period of time during the summer season. They are considered essential since they support a number of species that require temporary wetland habitats for survival.

Secondary Commercial Use: A permitted principal use contained on a designated parcel of land, lease area or lot within a unified development that is capable of being improved and occupied to support another permitted principal use as part of an approved land development plan.

Setback Requirements: The setback requirements as established for any building or structure within the applicable Zoning District for which it is located.

Sewage Facilities Plan: The Lower Alsace Township Sewage Facilities Plan, as adopted by Lower Alsace Township in accordance with the Pennsylvania Sewage Facilities Act (PA Act 537), as may be amended from time to time.

Shade Tree: A deciduous tree, which normally grows with a single trunk and has a canopy which screens and filters sunshine during specific seasons during the year.

Shed: An accessory building that is generally utilized for storage, which is either constructed on-site from approved building materials in accordance with local code requirements or is delivered as a pre-fabricated building that complies with local and state requirements. All such accessory buildings are not intended for human habitation

Shopping Center or Shopping Mall: The multiple use of a single property for a planned group of non-residential uses, including retail operations, personal services, offices, financial institutions, medical and dental clinics, restaurants, family entertainment centers, taverns, night clubs, and similar planned uses as determined by the Zoning Officer, where the permitted uses exceed a cumulative total of 30,000 gross square feet of floor area and are owned and maintained by an individual, corporation, partnership or organization. All shopping centers shall be planned and designed as an integrated unit or converted as such, with common off-street parking facilities, stormwater management facilities and utility services.

Sidewalk Sale: A seasonal or occasional sale conducted on the sidewalk or outside of the front or side of the principal building or establishment, whereas, goods are offered for sale to the public, provided that all such sales shall comply with the provisions of this Joint Zoning Ordinance.

Sign: Any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations utilized for announcement, direction, identification or advertisement. The word "sign" includes the word "billboard", but does not include the flag, pennant or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

- (1) **Accessory Sign:** A subordinate sign locate on the same property of the principal use, which is erected to further describe the products or services available to the general public.
- (2) **Animated Sign:** A sign or any device designed to attract attention by visual means through the movement or semblance of movement by mechanical, electrical or natural means.
- (3) **Banner:** A promotional sign for special community events including, educational, charitable, philanthropic, civic, cultural, municipal, fraternal, religious, or similar community events as determined by the Zoning Officer, whereas the promotional sign or banner shall be considered as temporary for a period of time not to exceed 30 cumulative days in a calendar year. All such signs or banners shall be made of nylon, canvas, or similar all-weather material.
- (4) **Billboard:** An off-premises sign erected by a professional sign company or by the outdoor advertising industry, on which advertisement space is leased for a fixed period of time.
- (5) **Business or Non-Residential Sign:** An on-premises sign designated for a permitted business or non-residential use, which identifies the written name, type of business, commodity sold, services, trademark and/or symbol.
- (6) **Canopy Sign:** A non-illuminated sign made of cloth, canvas, aluminum, metal, wood, or similar materials, which is affixed to a building and projects outward, whereas the sign or message is painted on, sewed, fastened or applied. All such signs may or may not be fixed or equipped with a mechanism for raising or holding the canopy or awning in a retracted position against the building.
- (7) **Charitable or Community Service Sign:** An on-premises sign identifying the charitable or community service organization, including religious facilities, volunteer fire companies, or other non-profit organization. All such signs may include supplemental information concerning hours, events, activities or messages.

- (8) **Development Sign:** An on-premises sign indicating that the property is actively in the process of subdivision or land development for residential or non-residential uses.
- (9) **Directional Sign:** An informational or functional on-premises sign, containing only information pertaining to direction, entrance, exit, off-street loading spaces, service areas, service lanes, fire lanes, handicapped parking spaces, and off-street parking areas. All such directional signs shall contain no advertisement messages.
- (10) **Double-Faced Sign:** A sign with two (2) faces that is parallel, facing opposite directions, and matching in size and shape.
- (11) **Flashing Sign:** A type of sign in which the illumination is not kept constant in intensity at all times of use, and which exhibits sudden, times or marked changes in lighting effects. Unless otherwise permitted by this Joint Zoning Ordinance, flashing signs shall be prohibited.
- (12) **Freestanding Sign:** An on-premises sign displaying information pertaining to the existing use for which it is located, and is supported by, or suspended from a freestanding column or other support(s) located in or upon the ground surface.
- (13) **Ground Sign:** An on-premises sign displaying information pertaining to the existing use for which it is located, and is placed upon, supported by, and anchored to the ground. A ground sign shall not be considered as a freestanding sign or portable sign.
- (14) **Identification Sign:** An on-premises sign identifying a medical facility, hospital, school, institutional use, religious facility, municipal facility, recreational use, farm, historical site, or similar use.
- (15) **Illuminated Sign:** A sign designed to project or reflect artificial light from an internal or external source, which may be directly, indirectly illuminated, or through transparent or translucent material. Illuminated signs may include, billboards, freestanding signs, ground signs, or signs affixed to a building or structure, as permitted under the provisions of this Joint Zoning Ordinance.
- (16) **Marquee Sign:** An on-premises sign attached to a building façade, which may include changeable letters, messages or displays.
- (17) **Municipal or Official Sign:** A sign erected by Lower Alsace Township, Mount Penn Borough, Berks County, the Commonwealth of Pennsylvania, or other governmental organization.
- (18) **Off-Premises Sign:** A permitted sign, which directs attention to a business, commodity, service, entertainment, institution, or other use, which is offered elsewhere other than upon the premises where the sign is located.
- (19) **On-Premises Sign:** A permitted sign, which directs attention to a business, commodity, service, entertainment, institution, or other permitted use, which is offered on the same property or tract of land where the sign is located.
- (20) **Portable Sign:** A temporary sign designed to be moved from place to place, which is not affixed or anchored to the ground, structure or building. Portable signs shall not be utilized or displayed for more than 48 cumulative hours over any 30 consecutive day period of time.
- (21) **Projecting Sign:** An on-premises sign mounted upon a building so that its principal face is a right angle or perpendicular to the wall of the building. All such projecting signs shall extend at least one (1) foot from the building but no more than twelve (12) feet from the building.
- (22) **Real Estate Sign:** An on-premises sign pertaining to the sale or lease of the premises on which the sign is located.
- (23) **Roof Sign:** An on-premises sign, which is erected or displayed upon the roof of a building or exceeds the height of the building. Unless otherwise specified by this Joint Zoning Ordinance, a roof sign shall be prohibited.
- (24) **Special Event or Seasonal:** A temporary sign, anchored or mounted to the ground by a cylinder or sleeve by which periodical advertisement of specials can be displayed during certain segments of the year in accordance with the provisions specified by this Joint Zoning Ordinance.

- (25) **Sports Facilities Business Sign:** A business sign, erected and maintained only for a non-profit organization or entity organized to promote youth sports teams, advertising a business, service, product, or organization, restricted as to purpose and location, and conforming to the requirements of this Joint Zoning Ordinance.
- (26) **Sign Area:** The area of a sign shall be construed to include all lettering, wording, border trim or framing, 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. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle, which encompasses all of the letters and symbols used for the sign, regardless of the actual shape created by the letters and symbols.
- (27) **Sign Height:** The height of the sign, as measured at the location of the sign from the ground elevation to the highest and lowest parts of the sign.
- (28) **Special Use or Temporary Sign:** A permitted on-premises sign erected for a temporary period in accordance with the provisions specified by this Joint Zoning Ordinance.
- (29) **Vehicle Sign:** A sign affixed or painted on a vehicle, trailer or similar device.
- (30) **Wall Sign or Parallel Sign:** An on-premises sign posted on, suspended from, or otherwise affixed to the wall, facade, or vertical surface of a building, which does not project or extend more than twelve (12) inches from the wall, facade, or vertical surface of the building to which it is attached. A wall signs may partially extend above the roofline by more than 20 percent of the sign height, as measured at the point where such sign are attached to the building.
- (31) **Window Sign:** A temporary or permanent on-premises sign, affixed to or visible through a window of a building.

Silo: A tall cylindrical structure that is typically located on a farm for non-residential uses.

Single and Separate Ownership: The ownership of a lot by one or more persons, whereas the ownership is separate and distinct from that of any adjoining land areas.

Slope: Topographic conditions in which the percentage of vertical to horizontal relief is computed utilizing standard rise over run calculations and/or as defined by this Joint Zoning Ordinance.

Soil Survey of Berks County: A document issued by the United States Department of Agriculture identifying the locations of soil groups within certain areas and providing detailed information concerning the characteristics of the soil groups.

Solicitor: The legal consultant or attorney appointed by Lower Alsace Township and/or Mount Penn Borough to provide professional legal services, recommendations and opinions.

Solid Waste: Waste, including solid, liquid, semi-solid or contained gaseous materials.

Solid Waste Disposal and Reduction Facilities: A site in which engineering principles are utilized to bury, dispose, reduce, eliminate and/or incinerate deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation. All such facilities may include sanitary landfills, solid waste landfills, low level radioactive waste disposal facilities, resource recovery facilities, recycling centers and transfer stations. Solid waste disposal and reduction facilities are not permitted within Lower Alsace Township and/or Mount Penn Borough.

Special Exception: A use by which the Zoning Hearing Board may grant permission to an applicant within a particular zoning district for the occupancy or use of land or water for a specific purpose, as specified within this Joint Zoning Ordinance.

Spook Lane Overlay District: A special overlay to the underlying zoning districts within Lower Alsace Township that has been established to provide high-profile commercial and entertainment uses within a rural atmosphere, preserve a sound tax base, encourage adaptive reuse and redevelopment opportunities, and to provide special land development requirements within a defined location in accordance with the provisions specified under Section 507 of the Joint Zoning Ordinance:

Stable: A building or structure in which horses, llamas, donkeys, and other similar animals, which are kept for remuneration, hire, sale or other lawful uses.

State: The Commonwealth of Pennsylvania and its designated agencies.

Steep Slopes: Areas of land in which the topographical conditions exceed a certain slope in pre-development conditions, as further defined under the Joint Zoning Ordinance. The following slope categories are hereby defined as part of the Steep Slope Overlay District:

- (1) **Category 1 Slopes:** All land areas in which the topographical conditions have a range of slope between 10 and 20 percent in slope in pre-development conditions, whereas the vertical elevation changes between 10 and 20 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category or any greater category prevail.
- (2) **Category 2 Slopes:** All land areas in which the topographical conditions have a range of slope between 20 and 30 percent in slope in pre-development conditions, whereas the vertical elevation changes between 20 and 30 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category or any greater category prevail.
- (3) **Category 3 Slopes:** All land areas in which the topographical conditions exceed a slope of 30 percent in pre-development conditions, whereas the vertical elevation changes exceeds 30 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category prevail.

Steep Slope Overlay District: A conservation overlay of land and water, which have been defined by Section 508 of this Joint Zoning Ordinance.

Steeple: A tall tapering architectural feature of a structure that is that is located on the roof of or is part of the superstructure of a permitted non-residential use.

Stormwater: Drainage runoff from the surface of the land resulting from precipitation in the form of rain, snow, sleet, hail or ice.

Stormwater Management: A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a defined area or development, while promoting the protection and conservation of surface water, groundwater and groundwater recharge.

Stormwater Management Facilities: Those controls and measures including, by not limited to, berms, terraces, bridges, dams, storm sewers, basins, infiltration systems, swales, watercourses, and floodplains, used to implement a storm water management regulations.

Stormwater Management Ordinance: An Ordinance prepared and adopted by the Lower Alsace Township Board of Supervisors and Mount Penn Borough Council in order to comply with local, regional, state and federal requirements relative to stormwater management within the Schuylkill River Watershed.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, including basements and mezzanines, and as further defined by the appropriate building code requirements adopted by Lower Alsace Township and Mount Penn Borough.

Street: A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms. The functional classification of all existing streets are defined in the Joint Comprehensive Plan:

- (1) **Expressways:** Routes providing for corridor movements that represent substantial statewide, interstate, or regional travel and movements between major urban areas. Expressways contain the most heavily traveled routes (10,000 to 100,000 trips per day) and including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (50 to 65 MPH) with a minimum of interference to through traffic. Expressways facilitate truck transport by providing optimum conditions. Mobility is the principal function and accessibility should be limited to carefully planned interchanges to preserve the functional classification of expressways.
- (2) **Arterials (Minor and Major Arterial):** Routes providing for corridor movements that represent substantial statewide or regional travel and movements between major urban areas. Arterial routes contain heavily traveled routes (5,000 to 25,000) including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (35 to 55 MPH) with a minor interference to through traffic. Arterial routes facilitate truck transport by providing favorable conditions. Mobility is the major function and accessibility should be limited to preserve the functional classification.
- (3) **Collectors (Minor and Major Collector):** Routes that serves primarily regional or intra-county trips and represents those routes with shorter travel distances than arterial routes. Collector roads contain well-traveled roads (500 to 10,000 trips per day) leading to specific destinations or to expressways and arterial routes. The system is designed for moderate speeds (25 to 45 MPH) with some interference with designed intersections to permit through traffic. Depending upon its structural integrity and design, collector routes can facilitate lightweight truck transport. Mobility is a significant function and accessibility should be limited to street intersections and driveways in order to preserve the functional classification of collector roads.
- (4) **Minor Streets or Local Access Streets:** Roads that primarily serve local trips and represents those routes with shorter travel distances than collector routes. Local roads contain low volume to moderately traveled roads (less than 500 trips per day) leading to collector and arterial routes. The system is designed for lower speeds (25 to 35 MPH) with interference with a number of designed intersections. Local roads are typically designed to facilitate lightweight truck transport for local deliveries. Mobility is a minor function and accessibility to street intersections, driveways and adjacent land areas is significant for local roads.
- (5) **Marginal Access Roads:** Roads that serve specific land uses, which are parallel or adjacent to an expressway, arterial or major collector roads. Marginal access roads are typically designed to accommodate the use(s) they directly serve. Accessibility between selective points is an essential design element with control at the point of destination. Many marginal access roads are privately owned and maintained.
- (6) **Cul-De-Sac Street:** A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.
- (7) **Internal Street:** A minor street used for circulation and access within a development involving multi-residential, commercial and/or industrial land uses.
- (8) **Service Street (Alley):** A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.
- (9) **Public Street:** An improved cartway within a dedicated right-of-way that is owned and maintained by Lower Alsace Township, Mount Penn Borough or the Commonwealth of Pennsylvania.
- (10) **Private Street:** An improved cartway within a defined right-of-way that is not owned and maintained by Lower Alsace Township, Mount Penn Borough or the Commonwealth of Pennsylvania.
- (11) **Pedestrian Path:** An improved lane, sidewalk, trail or path, which is specifically designated for pedestrian use either along a street or contained within a park, common open space area, off-street parking area and/or other areas approved for community use.
- (12) **Bicycle Lane:** An improved travel lane, trail or path, which is specifically designated for persons riding bicycles and other permitted non-motorized vehicles.

Street Frontage: The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street Line: The dividing line between a lot and the outside boundary of a public street, road or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street or road over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

Structure: Any manmade object having an ascertainable stationary location or in land or water, whether or not affixed to the land. The term structure shall include, but not limited to, buildings, signs, fences, walls, towers, swimming pools, porches, garages, flagpoles, windmills, water towers, silos, solar energy collectors, and similar structures.

- (1) **Permanent Structure:** A structure to be utilized for a specific purpose for more than one (1) year, provided the structure complies with the provisions established by Lower Alsace Township and/or Mount Penn Borough.
- (2) **Temporary Structure:** A structure to be utilized for a specific purpose for less than one (1) year, provided the structure complies with the provisions established by Lower Alsace Township and/or Mount Penn Borough.

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

Subdivision and Land Development Ordinance: The Lower Alsace Township Subdivision and Land Development Ordinance of 2011 and/or the Mount Penn Borough Subdivision and Land Development Ordinance of 2011, including any related provisions, revisions or amendments.

Substantial Damage: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its previous condition would equal or exceed fifty (50) percent of the market value before the damage occurred.

Substantial Improvement: Any repair, addition, reconstruction, rehabilitation, or other improvement to a structure, whereby the cost of such improvement equals or exceeds fifty (50) percent of the market value of the structure before the improvements occurred.

Subterranean Buildings: A building covered by land on at least fifty (50) percent of the combined surface of its walls and roof.

Surface Mining: The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which requires the removal of the overburden, strata or material overlying, above or between the minerals, rock and other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

Surveyor: An individual registered with the Commonwealth of Pennsylvania, as authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey.

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep, including in-ground swimming pools, above-ground swimming pools, on-ground swimming pools, hot tubs, and similar structures, which are further defined and regulated by the municipality with jurisdiction.

Tavern: An establishment where alcoholic beverages are served to the general public as the primary portion of the trade in accordance with local and state laws.

Telecommunications: The science or technology of communications by electronic transmission of impulses as by telegraph, cable, cellular, telephone, radio, television, microwave, earth station broadcast/cable television communications and other similar technology not otherwise enumerated and as may evolve after enactment of this Joint Zoning Ordinance. For the purposes of this Joint Zoning Ordinance, the term "telecommunications" shall be synonymous with the terms "telecommunication facility", "wireless communication facility" and "transmitting facility".

Telecommunication, Wireless Communication and/or Transmitting Facility: A structure, building, tower, antennae and other types of infrastructure or communication equipment that is utilized as primary or accessory uses for telecommunications, wireless communications and/or the transmitting signals. For the purposes of this Joint Zoning Ordinance, the term “telecommunications” shall be synonymous with the terms “telecommunication facility”, “wireless communication facility” and “transmitting facility”. The following sub-definitions of telecommunication facilities are provided as follows:

- (1) **Colocation:** The location of more than one (1) communications antenna on a communication tower, support structure, building, public utility transmission tower, or other similar structure.
- (2) **Communications Antenna:** A device used to receive and/or transmit wireless communications or radio signals, including panels, microwave dishes, wires, signal poles, whips, or similar communication devices.
- (3) **Communications Support Structure or Tower:** Any monopole or lattice structure designed and intended to be used for the support and attachment of one (1) or more commercial communications antennas, appurtenant communications equipment, or similar devices.
- (4) **Communications Antenna Height:** The vertical distance as measured from the base of the commercial communications antenna support structure at the undisturbed grade to the top of the highest point of the structure. If a commercial communications antenna support structure is located on a sloped grade, the average grade between the highest and lowest elevations on either side of the support structure shall be utilized to calculate the height.
- (5) **Directional Antenna:** An antenna or array of antennas designed to concentrate a radio signal in a particular area.
- (6) **Lattice Tower:** A guyed or self-supporting three (3) or four (4) sided open, steel frame structure used to support telecommunications equipment.
- (7) **Micro-Cell:** A low power mobile radio service telecommunications facility used to provide increased capacity in high call demand areas or to improve coverage in areas of weak coverage. Micro-cells communicate with the primary low power mobile radio service facility in a coverage area via fiber optic cable or microwave.
- (8) **Microwave Antenna:** A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.
- (9) **Monopole:** A structure composed of a single spire used to support telecommunications equipment.
- (10) **Omni Directional Antenna:** An antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.
- (11) **Repeater:** A low power mobile radio service telecommunications facility that extends coverage of a cell or service area to areas not covered by the originating cell or service area.
- (12) **Transmitting Facility:** A structure, building, tower, antennae, relay center and/or other types of communication facilities utilized to transmit or receive signals via telegraph, cable, cellular, telephone, radio, television, microwave, earth station broadcast/cable television communications and other similar technology.
- (13) **Whip Antenna:** An antenna that is cylindrical in shape, which can be directional or omni-directional. Their size varies based upon the frequency and gain for which they are designed.
- (14) **Wireless Communications Equipment Building:** A building or cabinet in which electronic receiving, relay or transmitting equipment for a wireless communications facility is housed. The equipment building shall be considered as a component of the commercial communications facility.
- (15) **Wireless Communications Facility:** The communications antenna(s), support structure, communications equipment building, if any, parking and/or other structures and equipment involved in receiving or transmitting wireless communications or radio signals. A wireless communications facility shall also be considered as a commercial communications facility.

Terrace: A hard-surfaced area of ground that is generally contiguous to a dwelling and utilized for outdoor living.

Theater: A building containing a stage and/or screen and seating available to accommodate customers or patrons to view movies, plays, concerts, meetings, social events and/or similar performances.

Therapeutic Massage: A legal method of applying pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of any part of the body with the hands or with the aid of any mechanical or spa apparatus.

Therapeutic Spa or Hot Tub: Any structure intended for relaxation, physical therapy, bathing or wading containing over a depth exceeding twenty-four (24) inches as further regulated within Section 730 of this Joint Zoning Ordinance.

Third Party Utility: A basic utility service located on a property, which has the capacities to serve other properties.

Township: Lower Alsace Township, Berks County, Pennsylvania.

Tract: One or more lots assembled for the purposes of subdivision or land development.

Transient: The temporary passing or crossing from one thing or person to another, or from place to place, provided the passing or crossing is temporary and not permanent.

Transitional-Age Development: A unified planned residential development providing a unique and innovative approach for housing and community development for families as well as persons over fifty-five (55) years of age in accordance with the provisions of Section 659 of this Joint Zoning Ordinance

Use: The specific purpose for which land, water, signage, structures, or buildings are designed, arranged or intended, to be utilized, occupied or maintained, or any activity, occupation, residence, business or operation, which may be carried on thereon or therein. The term "permitted use" or any equivalent term utilized within this Joint Zoning Ordinance shall not be deemed to include any non-conforming use.

- (1) **Permanent Use:** A permitted use conducted on a lot for more than one (1) year, provided the permanent use complies with all provisions of Lower Alsace Township and/or Mount Penn Borough.
- (2) **Seasonal or Special Use:** A permitted use conducted on a lot during certain defined segments of the year, provided the seasonal use complies with all provisions of Lower Alsace Township and/or Mount Penn Borough.
- (3) **Temporary Use:** A permitted use conducted on a lot for less than a one (1) year period of time, provided the temporary use complies with all provisions of Lower Alsace Township and/or Mount Penn Borough.

Utility: A service, facility, apparatus or use, which provides electric, telephone, cable, sewer, water, natural gas, and similar utility services, to customers within a defined service area, grid, neighborhood region, or municipality.

- (1) **Community Utility:** A utility, which is owned, operated or maintained by a public utility provider, municipality, municipal authority, homeowners association, or private agency for the purposes of providing sanitary sewage disposal, water supply, energy, telephone, or other utility services within a defined service area.
- (2) **Private Utility:** A utility, which is owned, operated or maintained by a private or independent utility provider for the purposes of providing sanitary sewage disposal, water supply, energy, telephone, or other utility services within a defined service area
- (3) **Public Utility:** A utility, which is owned, operated or maintained by a public utility for the purposes of providing sanitary sewage disposal, water supply, energy, telephone, or other utility services within a defined service area.

Variance. Relief granted by the Zoning Hearing Board from the terms and conditions of this Joint Zoning Ordinance where literal enforcement would create unnecessary hardship and when granting of the relief would not be contrary to the public interest.

Vehicle: Any motor vehicle utilized for any lawful use, which is properly licensed and inspected in accordance with all local, state and federal laws.

Veterinary Hospital: A professional use operated by a doctor of veterinary medicine used for the diagnosis, care and treatment of domesticated animals, including dogs, cats, reptiles and birds, which may include the provision for a medical laboratory, operating theater and overnight boarding accommodations.

Warehouse and Distribution Center: A building or group of buildings primarily utilized for storage, transfer, loading and unloading of certain products or commodities, but shall not include retail uses or trucking establishment, unless such use is specifically permitted in that district.

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term waste shall also include and apply to waste that may be considered as either hazardous, contaminated, toxic, residual, municipal or recyclable, as further defined by state and federal laws.

Water Supply System: A system designed to transmit water from the source to users, in compliance with the requirements of the appropriate state agencies and the Township.

- (1) **On-Lot Water Supply System:** A water supply system, which transmits water from a source on the lot to one (1) dwelling, principal use or lot.
- (2) **Community Water Supply System:** A temporary water supply system which transmits from a common source to more than one (1) dwelling, principal use and/or lot within a single neighborhood. A community water supply system may be permitted on a temporary basis for developments, which are to be permanently serviced by a public water supply system. All such community water supply systems shall be designed to provide adequate pressure, distribution and storage for fire protection
- (3) **Public or Municipal Water Supply System:** A system of water collection, storage, transmission and delivery, which are to service a community, but not confined to a neighborhood. All such public or municipal water supply systems shall be designed to provide adequate pressure, distribution and storage for fire protection
- (4) **Optional System Requirement:** A special or unique use of land, which because of its waster supply requirements may have the option to utilize on-lot water supply methods or connect to a private, community, public or municipal water supply system. The selected method for water supply shall be consistent with the provisions established by Lower Alsace Township, Mount Penn Borough and the Commonwealth of Pennsylvania.

Water Tower: A structure owned an operated by a company, which is regulated by the Pennsylvania Public Utility Commission, which is utilized to store water.

Watercourse: A perennial or intermittent stream, river, brook, run, channel, swale, pond, lake, or other body of surface water carrying or holding water, whether natural or artificial.

Watershed: The total land area where water drains into a particular watercourse.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The major characteristics of wetlands include vegetation, soil and hydrology.

Wetlands Overlay District: A conservation overlay of land and water, which include areas of wetlands, hydric soils and high water table soils with hydric components, as further defined and regulated under Section 509 of this Joint Zoning Ordinance.

Wholesale Establishment: A commercial or industrial use involving the sale of merchandise in large quantities or transactions of commodities to retailers, contractors, businesses, and their agents, but are not generally sold to the public.

Winery: An accessory use to a permitted agricultural operation, which involves the raising, harvesting, manufacturing, fermentation, bottling, marketing and sale of wine to customers in accordance with the provisions of Section 604.1 of this Joint Zoning Ordinance. All such activities shall comply with local, state and federal laws relative to the preparation, handling, sale, delivery and consumption of alcoholic or non-alcoholic vintages of wine.

Woodlands: An area of land in which one (1) or more contiguous acres are mostly occupied or covered by healthy mature trees (12 inches in caliper). The area of the woodlands shall be measured from the drip line of the outer trees.

Woodland Extraction: The clear cutting of healthy mature trees (12 inches or more in caliper) to provide area for subdivision and land development activity on an individual lot.

Woodlands Overlay District: A conservation overlay of woodlands and forested areas, which includes reference provisions for the following: woodland extraction and replacement; forestry, timber harvesting, tree harvesting and logging; tree protection and replacement; and other activities, which are further regulated under Section 510 of this Joint Zoning Ordinance.

Yard: An open space on the same lot with a structure(s), which lies between the structure(s) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

- (1) **Front Yard:** A yard extending the full width of the lot between a structure and the front lot line. On lots abutting more than one public street other than an alley the front yard requirement shall apply fronting each public street.
- (2) **Rear Yard:** A yard extending the full width of the lot between a structure and a rear lot line.
- (3) **Side Yard:** A yard extending from the front yard to the rear yard between a structure and the side lot line.

Yard Sale: An occasional and temporary use contained on a residential lot, wherein the occupants display and offer personal possessions for sale in accordance with the provisions specified by Section 715 of this Joint Zoning Ordinance. This term includes "garage sale," "moving sale," and similar terms and activities.

Zoning: Division of all of the land of an entire political subdivision into districts having different regulations pertaining to use of land; height, area, bulk and use of buildings; yard requirements; and in some states density of population. Zoning is affected by local ordinance under the police power of the state granted by specific legislation generally termed an "enabling act".

Zoning Hearing Board: The Lower Alsace Township and/or Mount Penn Borough Zoning Hearing Board, as appointed by the governing body of the municipality with jurisdiction to review and consider applications in accordance with the provisions established within the Joint Zoning Ordinance.

Zoning Map: Refer to the term "Joint Zoning Map", as further defined by this Joint Zoning Ordinance.

Zoning Officer: The Lower Alsace Township Zoning Officer and/or Mount Penn Borough Zoning Officer, as appointed by the governing body of the municipality with jurisdiction to administer and enforce this Joint Zoning Ordinance.

Zoning Ordinance: Refer to the term "Joint Zoning Ordinance", as further defined by this Joint Zoning Ordinance.

Article 3: Joint Zoning Map and Zoning Districts

Section 301: Establishment of Zoning Districts and Overlay Districts

- (A) As part of this Joint Zoning Ordinance, Lower Alsace Township and Mount Penn Borough have been divided into nine (9) base zoning districts, which shall be designated as follows:

RC: Rural Conservation Zoning District
R-1: Rural Residential Zoning District
R-2: Low Density Residential Zoning District
R-3: Medium Density Residential Zoning District
R-4: High Density Residential Zoning District
R-5: Urban Residential Zoning District
C-1: Local Commercial Zoning District
C-2: General Commercial Zoning District
I-1: Industrial Zoning District

- (B) As part of this Joint Zoning Ordinance, Lower Alsace Township and Mount Penn Borough shall apply nine (9) overlay districts, which shall be designated as follows:

Carsonia Avenue Overlay District
Floodplain Overlay District
Historic Preservation Overlay District
Perkiomen Avenue Overlay District
Riparian Buffer Overlay District
Spook Lane Overlay District
Steep Slope Overlay District
Wetlands Overlay District
Woodlands Overlay District

Section 302: Official Joint Zoning Map

- (A) The boundaries of the zoning districts shall be depicted on the Joint Zoning Map for Lower Alsace Township and Mount Penn Borough. The Joint Zoning Map and all notations, references and data illustrated thereon are hereby incorporated by reference into this Joint Zoning Ordinance. The official copy of the Joint Zoning Map shall be labeled as the Joint Zoning Map for Lower Alsace Township and Mount Penn Borough, which shall identify the signatures of the respective governing bodies and attested by the respective municipal secretaries, and bear the seal of both Lower Alsace Township and Mount Penn Borough under the following words:

"This is to certify that this is the Official Joint Zoning Map for Lower Alsace Township and Mount Penn Borough, as adopted by the Lower Alsace Township Board of Supervisors on November 22, 2011 as part of the Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011".

"This is to certify that this is the Official Joint Zoning Map for Lower Alsace Township and Mount Penn Borough, as adopted by Mount Penn Borough Council on November 22, 2011 as part of the Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011".

- (B) The Official Joint Zoning Map for Lower Alsace Township and Mount Penn Borough shall be incorporated as part of this Joint Zoning Ordinance. In addition, the following insert maps are hereby included as part of the Official Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough:
- (1) Appendix A of this Joint Zoning Ordinance includes a reduced version of the Joint Zoning Map for Lower Alsace Township and Mount Penn Borough.
 - (2) Appendix B of this Joint Zoning Ordinance includes Inset Map 1, which depicts an enlarged view or scale of the base zoning information that pertains to Mount Penn Borough.
 - (3) Appendix C of this Joint Zoning Ordinance includes Inset Map 2, which depicts the limits of the Carsonia Overlay District and Spook Lane Overlay District within Lower Alsace Township.
 - (4) Appendix D of this Joint Zoning Ordinance includes Inset Map 3, which depicts the limits of the Carsonia Overlay District and Perkiomen Avenue Overlay District within Mount Penn Borough.
- (C) If changes are made to district boundaries or other matters portrayed on the Official Joint Zoning Map, such changes shall be made in accordance with the provisions of Lower Alsace Township, Mount Penn Borough and the Pennsylvania Municipalities Planning Code. All changes shall be entered on the Official Joint Zoning Map after the amendment has been approved by Lower Alsace Township and/or Mount Penn Borough. No changes of any nature shall be made to the Official Joint Zoning Map, or matter thereon shown, except in conformity with the applicable procedures established in this Joint Zoning Ordinance. All changes shall be noted by date, ordinance number with a brief description of the nature of the change.
- (D) The Official Joint Zoning Map shall be located in a place designated by Lower Alsace Township and Mount Penn Borough, and shall be the final authority as to the current zoning status of land and water area within the municipality with jurisdiction regardless of unofficial copies, which may have been made or published from time to time.
- (E) In the event that the Official Joint Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, Lower Alsace Township and Mount Penn Borough may, by resolution, adopt a new Official Joint Zoning Map. The new Official Joint Zoning Map may correct drafting or other errors or omissions on the prior Official Joint Zoning Map, but no such correction shall have the effect of amending the original Official Joint Zoning Map or any subsequent amendment thereof. The new Official Joint Zoning Map shall identify the signatures of the respective governing bodies and attested by the respective municipal secretaries, and bear the seal of both Lower Alsace Township and Mount Penn Borough under the following words:
- "This is to certify that this Official Joint Zoning Map of Lower Alsace Township and Mount Penn Borough, which supersedes and replaces the Official Joint Zoning Map adopted as part of Ordinance Number _____ by Lower Alsace Township, Berks County, Pennsylvania".
- "This is to certify that this Official Joint Zoning Map of Lower Alsace Township and Mount Penn Borough, which supersedes and replaces the Official Joint Zoning Map adopted as part of Ordinance Number _____ by Mount Penn Borough, Berks County, Pennsylvania".
- (F) Unless the prior Official Joint Zoning Map has been lost or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all applicable records pertaining to its adoption or amendment.

Section 303: Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of the base districts as indicated on the Official Joint Zoning Map, the following rules and guidelines, as provided within this section shall be applicable.

- (A) Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such centerline shall be construed to be such boundaries.
- (B) Where district boundaries are indicated as approximately coinciding with lot lines or deed lines, which were in effect at the date of this Joint Zoning Ordinance, such lines shall be construed to be such boundaries.

- (C) Where district boundaries are indicated as approximately coinciding or municipal boundary lines, such lines shall be construed to be such boundaries.
- (D) Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Joint Zoning Map.
- (E) Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
- (F) Where district boundaries are referenced by a distance or measurement from a specific feature, such distance shall be measured in feet and the district boundaries shall follow the specified setback. Where distances or measurements are not specifically referenced on the Official Joint Zoning Map, the scale of the Official Joint Zoning Map shall determine the unspecified setback.
- (G) Where a district boundary line divides a lot which was in single ownership at the effective date of this Joint Zoning Ordinance, at the election of the property owner, the regulations of either zoning district may be extended a distance of not more than fifty (50) feet beyond the district boundary line onto the remaining portion of the lot.
- (H) Where physical or cultural features existing on the ground are inconsistent with those indicated on the Official Joint Zoning Map, or when circumstances not covered within the context of this Joint Zoning Ordinance, the Zoning Hearing Board of the municipality with jurisdiction shall interpret the district boundaries.

Section 304: Application of District Boundaries

The following standards indicated within this section shall be utilized for the generalized application of the base district regulations in association with this Joint Zoning Ordinance.

- (A) Unless otherwise provided by law or the provisions of this Joint Zoning Ordinance, no building, structure or land area shall be used or occupied except for a permitted use in the zoning district within which the building, structure or land area is located.
- (B) Any legally established use of a building structure, lot, land area, or part thereof, which constitutes a conforming use under the provisions of this Joint Zoning Ordinance, may be continued.
- (C) Any legally established use which occupies a building structure, lot or land area prior to the effective date of this Joint Zoning Ordinance or amendment thereto, but does not comply with the use regulations of the district in which it is situated after the effective date of this Joint Zoning Ordinance or any amendment thereto, may be continued as a nonconforming use in accordance with the provisions of this Joint Zoning Ordinance.
- (D) The regulations established within this Joint Zoning Ordinance shall apply uniformly to building, structures or uses, unless otherwise specified by other codes or ordinances, as adopted by Lower Alsace Township and Mount Penn Borough.
- (E) Permitted uses shall adhere to the dimensional requirements for lot area, lot width, yard, height and coverage as specified for the zoning district to which the use is located, unless otherwise specified by this Joint Zoning Ordinance.
- (F) No building, structure or area of land shall be occupied without the issuance of a zoning permit and/or occupancy permit by the appointed Zoning Officer or other designated code official of the municipality with jurisdiction.
- (G) No part of a yard, common open space, other open space, off-street parking area, or loading space required in connection with any structure, building or use of the land shall be included as part of a yard, common open space, open space, off-street parking area, or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Joint Zoning Ordinance.
- (H) No yard or lot existing at the time of passage of this Joint Zoning Ordinance, which meets the requirements of this Joint Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Joint

Zoning Ordinance. A yard or lot existing at the time of passage of this Joint Zoning Ordinance shall not be further reduced below the minimum requirements of this Joint Zoning Ordinance.

- (I) Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one (1) street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two (2) or more streets. In the case of a corner lot, the minimum lot width must be provided along each street on which the lot fronts.
- (J) In the case of a lot of irregular shape, the appointed Zoning Officer of the municipality with jurisdiction shall designate or assign the front, side and rear yards, as considered appropriate for the configuration and conditions.
- (K) All territory or land area, which may be annexed to Lower Alsace Township or Mount Penn Borough shall be considered to be zoned in the same manner as the contiguous territory inside the previous municipal limits until otherwise classified.

Article 4: Zoning District Regulations

Section 401: Statement of Intent

- (A) The intent of Article 4 of this Joint Zoning Ordinance is to assign a list of uses, which are permitted by right, special exception and conditional use for each Zoning District, as well as establish the minimum and maximum dimensional requirements for each permitted use. Where appropriate, special provisions shall be designated to the permitted uses by reference to other sections of this Joint Zoning Ordinance
- (B) Lower Alsace Township and Mount Penn Borough is hereby divided into nine (9) base zoning districts, which shall be designated as follows:
 - RC: Rural Conservation Zoning District**
 - R-1: Rural Residential Zoning District**
 - R-2: Low Density Residential Zoning District**
 - R-3: Medium Density Residential Zoning District**
 - R-4: High Density Residential Zoning District**
 - R-5: Urban Residential Zoning District**
 - C-1: Local Commercial Zoning District**
 - C-2: General Commercial Zoning District**
 - I-1: Industrial Zoning District**
- (C) The provisions of Article 4 are intended to be generally consistent with the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, as may be revised or amended.
- (D) Should a use not be permitted or recognized within any of the zoning districts, an application should be made to the Lower Alsace Township Zoning Officer and/or the Mount Penn Borough Zoning Officer to consider in accordance the provisions of this Joint Zoning Ordinance.

Section 402: Rural Conservation (RC) Zoning District

- (A) **Purpose:** The RC Zoning District generally contains areas with existing agricultural, woodlands, stream valleys, steep slopes, privately owned open space and residential uses. The purpose of the RC Zoning District is as follows:
 - (1) To preserve and enhance ecologically fragile, environmentally sensitive and aesthetically valuable areas of Lower Alsace Township and Mount Penn Borough. Specific features to be preserved and enhanced include, but are not necessarily limited to surface waters, stream valleys, floodplains, wetlands, groundwater, steep slopes, woodlands, scenic vistas, scenic corridors and contiguous open space.
 - (2) To permit development of a type and density, which will have minimal adverse effects upon the natural features and the surrounding properties.
 - (3) To provide clearly defined limits between residential uses, densities and developments within Lower Alsace Township and Mount Penn Borough.
 - (4) To provide, preserve and enhance park, recreation and open space opportunities on a local and regional scale in order to implement the Joint Comprehensive Plan.

- (B) **Uses by Right:** The following principal uses shall be permitted by right within the RC Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Agricultural Operation that is classified as a general agricultural use, subject to Section 604.1 of this Joint Zoning Ordinance.
 - (2) Conservation Uses, subject to Section 612 of this Joint Zoning Ordinance.
 - (3) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (4) Horseback Riding School and/or Stables as a principal or accessory use, subject to Section 624 of this Joint Zoning Ordinance.
 - (5) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (6) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (7) Residential Cluster Design for the RC Zoning District, subject to Section 645 of this Joint Zoning Ordinance.
 - (8) Single Family Detached Dwelling, subject to Section 654 of this Joint Zoning Ordinance.
 - (9) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the RC Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative Energy Facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Museums as an accessory use to a permitted principal use by right, subject to the provisions of Section 637 of this Joint Zoning Ordinance.
 - (5) Roadside Stand for the sale of agricultural and horticultural products, subject to Section 727 of this Joint Zoning Ordinance. This use shall only apply to the RC Zoning District within Lower Alsace Township.
 - (6) Telecommunication Facilities located on municipal owned land or designed as a collocated facility, subject to Section 656 of this Zoning Ordinance. This accessory use may also apply to emergency communication facilities operated by a county, state or federal agency.
 - (7) Winery, as an accessory use to an agricultural operation, subject to the provisions that are specified under Sections 604.1, 623.1 and/or 623.2 of this Zoning Ordinance.
- (D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the RC Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Bed and Breakfast Establishment, subject to Section 607 of the Joint Zoning Ordinance. This use shall only apply to the RC Zoning District within Lower Alsace Township.
 - (2) Home Day Care, subject to Section 613.1 of this Joint Zoning Ordinance.

- (3) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.
 - (4) Kennel, subject to Section 627 of this Joint Zoning Ordinance.
 - (5) Telecommunication Facilities located on an owned or leased parcel of land, subject to Section 656 of this Zoning Ordinance. This principal use may also apply to emergency communication facilities operated by a county, state or federal agency.
 - (6) Veterinary Hospitals as a principal or accessory use, subject to Section 660 of this Joint Zoning Ordinance.
 - (7) Accessory uses and structures that are not located on the same lot of a permitted principal use.
- (E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use within the RC Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance
- (1) Agricultural Operation that is classified as an intensive agricultural use, subject to Section 604.2 of this Joint Zoning Ordinance.
 - (2) Campgrounds, subject to the provisions of Section 609 of this Joint Zoning Ordinance.
 - (3) Quarrying or Mining Operation, subject to the provisions of Section 643 of this Joint Zoning Ordinance.
- (F) **Utility and Dimensional Requirements:** Matrix Chart 1 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the RC Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 1, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the RC Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.
- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the RC Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A complete list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the RC Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the RC Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.
- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the RC Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.

- (L) **Signs:** Where applicable, all permitted uses within the RC District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the RC Zoning District.

RC Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 1)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
General Agricultural Operation and Uses	By Right	Optional	Optional	5 acres	Refer to Section 604.1 for additional requirements						
Conservation Uses	By Right	Optional	Optional	5 acres	Refer to Section 612 for additional requirements						
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Horseback Riding School and Stables	By Right	On-Lot	On-Lot	10 acres	Refer to Section 624 for additional requirements						
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Recreation Uses Public and Passive	By Right	Optional	Optional	5 acres	Refer to Section 644 for additional requirements						
Residential Cluster Design for RC	By Right	Optional	Optional	20 acres	Refer to Section 645 for additional requirements						
Single Family Detached Dwelling	By Right	On-Lot	On-Lot	5 acres	200 feet	50 feet	40 feet	50 feet	35 feet	5 %	10 %
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Category 1 Home Occupation	By Right	On-Lot	On-Lot	Variable	Refer to Section 623.1 for additional requirements						
Museums	By Right	On-Lot	On-Lot	Variable	Refer to Section 637 for additional requirements						
Roadside Stand	By Right	Optional	Optional	Variable	Refer to Section 727 for additional requirements						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 656 for additional requirements						
Winery as accessory use to agriculture	By Right or Special Exception	Optional	Optional	Variable	Refer to Sections 604.1, 623.1 and/or 623.2 for additional requirements						
Bed and Breakfast Establishment	Special Exception	On-Lot	On-Lot	5 acres	200 feet	50 feet	50 feet	50 feet	50 feet	10 %	20 %
Home Day Care	Special Exception	On-Lot	On-Lot	Variable	Refer to Section 613.1 for additional requirements						

RC Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 1)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Category 2 Home Occupation	Special Exception	On-Lot	On-Lot	Variable	Refer to Section 623.2 for additional requirements						
Kennels	Special Exception	On-Lot	On-Lot	10 acres	Refer to Section 627 for additional requirements						
Telecommunications With No Co-Location	Special Exception	Optional	Optional	Variable	Refer to Section 656 for additional requirements						
Veterinary Hospital	Special Exception	On-Lot	On-Lot	5 acres	200 feet	50 feet	50 feet	50 feet	35 feet	10 %	20 %
Intensive Agricultural Operation and Uses	Conditional Use	On-Lot	On-Lot	10 acres	Refer to Section 604.2 for additional requirements						
Campgrounds	Conditional Use	On-Lot	On-Lot	20 acres	Refer to Section 609 for additional requirements						
Quarrying and Mining	Conditional Use	Optional	Optional	20 acres	Refer to Section 643 for additional requirements						

Section 403: Rural Residential (R-1) Zoning District

- (A) **Purpose:** The R-1 Zoning District generally contains areas with existing woodlands, steep slopes, open space and rural residential uses. The purpose of the R-1 Zoning District is as follows:
- (1) To preserve and enhance ecologically fragile, environmentally sensitive and aesthetically valuable areas of Lower Alsace Township and Mount Penn Borough. Specific features to be preserved and enhanced include, but are not necessarily limited to groundwater, steep slopes, woodlands, scenic vistas and scenic corridors.
 - (2) To permit development of a type and density, which have minimal stormwater management impacts upon the natural features and the surrounding properties.
 - (3) To provide a clearly defined limits between residential uses, densities and developments within Lower Alsace Township and Mount Penn Borough.
 - (4) To provide, preserve and enhance park, recreation and open space opportunities on a local and regional scale in order to implement the Joint Comprehensive Plan.
- (B) **Uses by Right:** The following principal uses shall be permitted by right within the R-1 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Agricultural Operation that is classified as a general agricultural use, subject to Section 604.1 of this Joint Zoning Ordinance.
 - (2) Conservation Uses, subject to Section 612 of this Joint Zoning Ordinance.
 - (3) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (4) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (5) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (6) Residential Cluster Design for the R-1 Zoning District, subject to Section 646 of this Joint Zoning Ordinance.
 - (7) Single Family Detached Dwelling, subject to Section 654 of this Joint Zoning Ordinance.
 - (8) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the R-1 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative energy facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Roadside Stand for the sale of agricultural and horticultural products, subject to Section 727 o this Joint Zoning Ordinance. This use shall only apply to the R-1 Zoning District within Lower Alsace Township.

- (5) Telecommunication Facilities located on municipal land or designed as a co-located facility, subject to Section 656 of this Joint Zoning Ordinance.
- (6) Winery, as an accessory use to an agricultural operation, subject to the provisions that are specified under Sections 604.1, 623.1 and/or 623.2 of this Zoning Ordinance.

(D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the R-1 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:

- (1) Bed and Breakfast Establishment, subject to Section 607 of the Joint Zoning Ordinance. This use shall only apply to the R-1 Zoning District of Lower Alsace Township.
- (2) Home Day Care, subject to Section 613.1 of this Joint Zoning Ordinance.
- (3) Group Home, subject to Section 620 of this Joint Zoning Ordinance.
- (4) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.
- (5) Horseback Riding School and/or Stables as a principal or accessory use, subject to Section 624 of this Joint Zoning Ordinance.
- (6) Kennel, subject to Section 627 of this Joint Zoning Ordinance.
- (7) A landscaping center shall be permitted as an accessory use to a nursery or greenhouse, subject to the provisions of Sections 629 and 638 of this Joint Zoning Ordinance.
- (8) Nursery and Greenhouse, subject to Section 638 of this Joint Zoning Ordinance.
- (9) Places of Worship, Religious Uses and Cemeteries, subject to Section 641 of this Joint Zoning Ordinance
- (10) Schools and Educational Uses, subject to Section 651 of this Joint Zoning Ordinance.
- (11) Telecommunication Facilities located on a leased parcel of land, subject to Section 651 of this Joint Zoning Ordinance.
- (12) Veterinary Hospitals as a principal or accessory use, subject to Section 660 of this Joint Zoning Ordinance.
- (13) Accessory uses and structures that are not located on the same lot of a permitted principal use.

(E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use within the R-1 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:

- (1) Agricultural Operation that is classified as an intensive agricultural use, subject to Section 604.2 of this Joint Zoning Ordinance.
- (2) Campgrounds, subject to the provisions of Section 609 of this Joint Zoning Ordinance.

- (F) **Utility and Dimensional Requirements:** Matrix Chart 2 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the R-1 Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 2, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the R-1 Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.
- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the R-1 Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A complete list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the R-1 Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the R-1 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.
- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the R-1 Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.
- (L) **Signs:** Where applicable, all permitted uses within the R-1 District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the R-1 Zoning District.

R-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 2)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
General Agricultural Operation and Uses	By Right	Optional	Optional	5 acres	Refer to Section 604.1 for additional requirements						
Conservation Uses	By Right	Optional	Optional	5 acres	Refer to Section 612 for additional requirements						
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Recreation Uses Public and Passive	By Right	Optional	Optional	5 acres	Refer to Section 644 for additional requirements						
Residential Cluster Design for R-1	By Right	Optional	Optional	20 acres	Refer to Section 646 for additional requirements						
Single Family Detached Dwelling	By Right	Optional	Optional	2 acres	200 feet	50 feet	40 feet	50 feet	35 feet	10 %	20 %
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Category 1 Home Occupation	By Right	On-Lot	On-Lot	Variable	Refer to Section 623.1 for additional requirements						
Roadside Stand	By Right	Optional	Optional	Variable	Refer to Section 727 for additional requirements						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 656 for additional requirements						
Winery as accessory use to agriculture	By Right or Special Exception	Optional	Optional	Variable	Refer to Sections 604.1, 623.1 and/or 623.2 for additional requirements						
Bed and Breakfast Establishment	Special Exception	On-Lot	On-Lot	5 acres	200 feet	50 feet	50 feet	50 feet	50 feet	10 %	20 %
Home Day Care	Special Exception	On-Lot	On-Lot	Variable	Refer to Section 613.1 for additional requirements						
Group Home	Special Exception	On-Lot	On-Lot	Variable	Refer to Section 620 for additional requirements						

R-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 2)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Category 2 Home Occupation	Special Exception	On-Lot	On-Lot	Variable	Refer to Section 623.2 for additional requirements						
Horseback Riding School and Stables	Special Exception	On-Lot	On-Lot	10 acres	Refer to Section 624 for additional requirements						
Kennels	Special Exception	On-Lot	On-Lot	10 acres	Refer to Section 627 for additional requirements						
Landscape Center as an accessory use	Special Exception	On-Lot	On-Lot	10 acres	Refer to Sections 629 and 638 for additional requirements						
Nursery and Greenhouse	Special Exception	On-Lot	On-Lot	10 acres	200 feet	50 feet	50 feet	50 feet	50 feet	10 %	20 %
Place of Worship Religious, Cemetery	Special Exception	Optional	Optional	5 acres	200 feet	50 feet	50 feet	50 feet	50 feet	10 %	20 %
Schools and Educational Uses	Special Exception	On-Lot	On-Lot	5 acres	200 feet	50 feet	50 feet	50 feet	50 feet	30 %	50 %
Telecommunications With No Co-Location	Special Exception	Optional	Optional	Variable	Refer to Section 656 for additional requirements						
Veterinary Hospital	Special Exception	On-Lot	On-Lot	5 acres	200 feet	50 feet	50 feet	50 feet	35 feet	10 %	20 %
Intensive Agricultural Operation and Uses	Conditional Use	On-Lot	On-Lot	10 acres	Refer to Section 604.2 for additional requirements						
Campgrounds	Conditional Use	On-Lot	On-Lot	20 acres	Refer to Section 609 for additional requirements						

Section 404: Low Density Residential (R-2) Zoning District

- (A) **Purpose:** The R-2 Zoning District generally contains areas with existing agricultural, woodlands, steep slopes, stream valleys and low density residential uses. The purpose of the R-2 Zoning District is as follows:
- (1) To allow low-density residential development, provided that such development recognizes and protects the natural environment.
 - (2) To encourage the responsible treatment of ecologically and environmentally sensitive areas by those building or developing within the district.
 - (3) To provide a clearly defined limits between residential uses, densities and developments within Lower Alsace Township and Mount Penn Borough.
- (B) **Uses by Right:** The following principal uses shall be permitted by right within the R-2 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Agricultural Operation that is classified as a general agricultural use, subject to Section 604.1 of this Joint Zoning Ordinance.
 - (2) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (3) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (4) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (5) Residential Cluster Design for the R-2 Zoning District, subject to Section 647 of this Joint Zoning Ordinance.
 - (6) Single Family Detached Dwelling, subject to Section 654 of this Joint Zoning Ordinance.
 - (7) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the R-2 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative energy facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Roadside Stand for the sale of agricultural and horticultural products, subject to Section 727 of this Joint Zoning Ordinance. This use shall only apply to the R-2 Zoning District within Lower Alsace Township.
 - (5) Telecommunication Facilities located on municipal land or designed as a co-located facility, subject to Section 656 of this Joint Zoning Ordinance.
 - (6) Winery, as an accessory use to an agricultural operation, subject to the provisions that are specified under Sections 604.1, 623.1 and/or 623.2 of this Zoning Ordinance.

- (D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the R-2 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Bed and Breakfast Establishment, subject to Section 607 of the Joint Zoning Ordinance. This use shall only apply to the R-2 Zoning District of Lower Alsace Township.
 - (2) Commercial Water Resource Use, subject to Section 611 of this Joint Zoning Ordinance.
 - (3) Conservation Uses, subject to Section 612 of this Joint Zoning Ordinance.
 - (4) Home Day Care, subject to Section 613.1 of this Joint Zoning Ordinance.
 - (5) Group Home, subject to Section 620 of this Joint Zoning Ordinance.
 - (6) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.
 - (7) Landscape Center as a principal use or as an accessory use to a nursery or greenhouse, subject to the provisions of Sections 629 and 638 of this Joint Zoning Ordinance.
 - (8) Nursery and Greenhouse, subject to Section 638 of this Joint Zoning Ordinance.
 - (9) Places of Worship, Religious Uses and Cemeteries, subject to Section 641 of this Joint Zoning Ordinance.
 - (10) Recreation Facilities and Uses designated as a public facility with active recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance
 - (11) Schools and Educational Uses, subject to Section 651 of this Joint Zoning Ordinance.
 - (12) Telecommunication Facilities located on a leased parcel of land, subject to Section 656 of this Joint Zoning Ordinance.
 - (13) Accessory uses and structures that are not located on the same lot of a permitted principal use.
- (E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use in the R-2 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Campgrounds, subject to the provisions of Section 609 of this Joint Zoning Ordinance.
- (F) **Utility and Dimensional Requirements:** Matrix Chart 3 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the R-2 Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 3, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the R-2 Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.

- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the R-2 Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A complete list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the R-2 Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the R-2 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.
- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the R-2 Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.
- (L) **Signs:** Where applicable, all permitted uses within the R-2 District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the R-2 Zoning District.

R-2 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 3)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
General Agricultural Operation and Uses	By Right	Optional	Optional	5 acres	Refer to Section 604.1 for additional requirements						
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Recreation Uses Public and Passive	By Right	Optional	Optional	5 acres	Refer to Section 644 for additional requirements						
Residential Cluster Design for R-2	By Right	Public	Public	20 acres	Refer to Section 647 for additional requirements						
Single Family Detached Dwelling	By Right	On-Lot	On-Lot	1 acre	150 feet	30 feet	20 feet	20 feet	35 feet	15 %	25 %
		On-Lot	Public	1 acre	150 feet	30 feet	20 feet	20 feet	35 feet	15 %	25 %
		Public	On-Lot	20,000 sq. ft.	100 feet	30 feet	10 feet	20 feet	35 feet	20 %	30 %
		Public	Public	10,000 sq. ft.	80 feet	30 feet	10 feet	20 feet	35 feet	30 %	40 %
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Category 1 Home Occupation	By Right	Optional	Optional	Variable	Refer to Sections 623.1 for additional requirements						
Roadside Stand	By Right	Optional	Optional	Variable	Refer to Section 727 for additional requirements						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 656 for additional requirements						
Winery as accessory use to agriculture	By Right or Special Exception	Optional	Optional	Variable	Refer to Sections 604.1, 623.1 and/or 623.2 for additional requirements						
Bed and Breakfast Establishment	Special Exception	On-Lot	On-Lot	2 acres	200 feet	50 feet	50 feet	50 feet	50 feet	10 %	20 %

R-2 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 3)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Commercial Water Resource Use	Special Exception	Optional	Optional	10 acres	Refer to Section 611 for additional requirements						
Conservation Uses	Special Exception	Optional	Optional	1 acre	Refer to Section 612 for additional requirements						
Home Day Care	Special Exception	Optional	Optional	Variable	Refer to Section 613.1 for additional requirements						
Group Home	Special Exception	Optional	Optional	Variable	Refer to Section 620 for additional requirements						
Category 2 Home Occupation	Special Exception	Optional	Optional	Variable	Refer to Section 623.2 for additional requirements						
Landscape Center	Special Exception	Optional	Optional	2 acres	200 feet	50 feet	50 feet	50 feet	50 feet	10 %	20 %
Nursery and Greenhouse	Special Exception	Optional	Optional	2 acres	200 feet	50 feet	50 feet	50 feet	50 feet	10 %	20 %
Place of Worship Religious, Cemetery	Special Exception	Optional	Optional	2 acres	200 feet	50 feet	50 feet	50 feet	50 feet	10 %	20 %
Recreation Uses Public and Active	Special Exception	Optional	Optional	5 acres	Refer to Section 644 for additional requirements						
Schools and Educational Uses	Special Exception	Optional	Optional	5 acres	200 feet	50 feet	50 feet	50 feet	50 feet	30 %	50 %
Telecommunications With No Co-Location	Special Exception	Optional	Optional	Variable	Refer to Section 655 for additional requirements						
Campgrounds	Conditional Use	On-Lot	On-Lot	20 acres	Refer to Section 609 for additional requirements						

Section 405: Medium Density Residential (R-3) Zoning District

- (A) **Purpose:** The R-3 Zoning District generally contains areas with developments containing medium density residential uses. The purpose of the R-3 Zoning District is as follows:
- (1) To maintain the integrity of existing residential neighborhoods and allow consistent development of undeveloped parcels of land.
 - (2) To accommodate the expansion of suburban development in those areas best-suited for medium density residential development.
 - (3) To efficiently utilize the existing infrastructure and community facilities.
- (B) **Uses by Right:** The following principal uses shall be permitted by right within the R-3 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Age-Qualified Retirement Community, subject to Section 603 of this Joint Zoning Ordinance.
 - (2) Emergency Service Facility, subject to Section 615 of this Joint Zoning Ordinance.
 - (3) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (4) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (5) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (6) Single Family Detached Dwelling, subject to Section 654 of this Joint Zoning Ordinance.
 - (7) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance.
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the R-3 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative energy facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Telecommunication Facilities located on municipal land or designed as a co-located facility, subject to Section 655 of this Joint Zoning Ordinance.
- (D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the R-3 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Bed and Breakfast Establishment, subject to Section 607 of the Joint Zoning Ordinance. This use shall only apply to the R-3 Zoning District of Lower Alsace Township.
 - (2) Conservation Uses, subject to Section 612 of this Joint Zoning Ordinance.
 - (3) Home Day Care, subject to Section 613.1 of this Joint Zoning Ordinance.
 - (4) Group Home, subject to Section 620 of this Joint Zoning Ordinance.
 - (5) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.
 - (6) Places of Worship, Religious Uses and Cemeteries, subject to Section 641 of this Joint Zoning Ordinance.

- (7) Recreation Facilities and Uses designated as a public facility with active recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance
 - (8) Schools and Educational Uses, subject to Section 651 of this Joint Zoning Ordinance.
 - (9) Roadside Stand for the sale of agricultural and horticultural products, subject to Section 727 of this Joint Zoning Ordinance. This use shall only apply to the R-1 Zoning District within Lower Alsace Township.
 - (10) Accessory uses and structures that are not located on the same lot of a permitted principal use.
- (E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use in the R-3 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Reserved.
- (F) **Utility and Dimensional Requirements:** Matrix Chart 4 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the R-3 Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 4, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the R-3 Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.
- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the R-3 Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A complete list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included in the Table of Contents of this Joint Zoning Ordinance.
- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the R-3 Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the R-3 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.
- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the R-3 Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.
- (L) **Signs:** Where applicable, all permitted uses within the R-3 District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the R-3 Zoning District.

R-3 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 4)

Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Age-Qualified Retirement Comm.	By Right	Public	Public	2 acres	Refer to Section 603 for additional requirements						
Emergency Service Facility	By Right	Public	Public	20,000 sq. ft.	100 feet	20 feet	10 feet	20 feet	50 feet	50 %	70 %
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Recreation Uses Public and Passive	By Right	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Single Family Detached Dwelling	By Right	Public	Public	5,000 sq. ft.	50 feet	20 feet	6 feet	20 feet	35 feet	40 %	50 %
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Category 1 Home Occupation	By Right	Public	Public	Variable	Refer to Section 623.1 for additional requirements						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 656 for additional requirements						
Conservation Uses	Special Exception	Optional	Optional	1 acre	Refer to Section 612 for additional requirements						
Home Day Care	Special Exception	Public	Public	Variable	Refer to Section 613.1 for additional requirements						
Bed and Breakfast Establishment	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	50 feet	40 %	60 %
Group Home	Special Exception	Public	Public	Variable	Refer to Section 620 for additional requirements						
Category 2 Home Occupation	Special Exception	Public	Public	Variable	Refer to Section 623.1 for additional requirements						
Place of Worship Religious, Cemetery	Special Exception	Public	Public	1 acre	150 feet	40 feet	20 feet	40 feet	50 feet	50 %	70 %
Recreation Uses Public and Active	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Schools and Educational Uses	Special Exception	Public	Public	1 acre	150 feet	40 feet	20 feet	40 feet	50 feet	50 %	70 %

R-3 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 4)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Roadside Stand	Special Exception	Optional	Optional	Variable	Refer to Section 727 for additional requirements						

Section 406: High Density Residential (R-4) Zoning District

- (A) **Purpose:** The R-4 Zoning District generally contains areas with developments containing medium to high density residential uses. The purpose of the R-5 Zoning District is as follows:
- (1) To maintain the integrity of existing residential neighborhoods and allow consistent development of undeveloped parcels of land.
 - (2) To accommodate high density residential development upon lands best-suited for suburban uses.
 - (3) To efficiently utilize the existing infrastructure and community facilities.
- (B) **Uses by Right:** The following principal uses shall be permitted by right within the R-4 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Age-Qualified Retirement Community, subject to Section 603 of this Joint Zoning Ordinance.
 - (2) Emergency Service Facility, subject to Section 615 of this Joint Zoning Ordinance.
 - (3) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (4) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (5) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (6) Single Family Detached Dwelling, subject to Section 654 of this Joint Zoning Ordinance.
 - (7) Single Family Semi-Detached Dwelling, subject to Section 655 of this Joint Zoning Ordinance.
 - (8) Townhouses containing 8 or fewer dwelling units that are developed or maintained as individual uses, subject to Section 658 of this Joint Zoning Ordinance.
 - (9) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the R-4 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative energy facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (5) Telecommunication Facilities located on municipal land or designed as a co-located facility, subject to Section 655 of this Joint Zoning Ordinance.

- (D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the R-4 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Bed and Breakfast Establishment, subject to Section 607 of the Joint Zoning Ordinance. This use shall only apply to the R-4 Zoning District of Lower Alsace Township.
 - (2) Group Home, subject to Section 620 of this Joint Zoning Ordinance.
 - (3) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.
 - (4) Manufactured or Mobile Home Park, subject to Section 631 of this Joint Zoning Ordinance.
 - (5) Personal Care, Assisted Living Care, Convalescent Home or Nursing Home, subject to Section 639 of this Joint Zoning Ordinance.
 - (6) Places of Worship, Religious Uses and Cemeteries, subject to Section 641 of this Joint Zoning Ordinance.
 - (7) Recreation Facilities and Uses designated as a public facility with active recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (8) Recreation Facilities and Uses as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (9) Roadside Stand for the sale of agricultural and horticultural products, subject to Section 727 of this Joint Zoning Ordinance. This use shall only apply to the R-4 Zoning District of Lower Alsace Township.
 - (10) Schools and Educational Uses, subject to Section 651 of this Joint Zoning Ordinance.
 - (11) Accessory uses and structures that are not located on the same lot of a permitted principal use.
- (E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use within the R-4 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Townhouse Uses and Developments containing more than eight (8) dwelling units, subject to the provisions of Section 658 of this Joint Zoning Ordinance.
- (F) **Utility and Dimensional Requirements:** Matrix Chart 5 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the R-4 Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 5, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the R-4 Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.
- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the R-4 Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.

- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the R-4 Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the R-4 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.
- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the R-4 Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.
- (L) **Signs:** Where applicable, all permitted uses within the R-4 District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the R-4 Zoning District.

R-4 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 5)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Age-Qualified Retirement Comm.	By Right	Public	Public	2 acres	Refer to Section 603 for additional requirements						
Emergency Service Facility	By Right	Public	Public	10,000 sq. ft.	100 feet	20 feet	10 feet	20 feet	50 feet	50 %	70 %
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Recreation Uses Public and Passive	By Right	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Single Family Detached Dwelling	By Right	Public	Public	4,000 sq. ft.	40 feet	20 feet	6 feet	20 feet	35 feet	40 %	50 %
Single Family Semi-Detached Dwelling	By Right	Public	Public	2,500 sq. ft.	30 feet	20 feet	6 feet	20 feet	35 feet	50 %	60 %
Townhouse Uses 8 units or less units	By Right	Public	Public	2,000 sq. ft.	20 feet	20 feet	6 feet	20 feet	35 feet	60 %	70 %
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Category 1 Home Occupation	By Right	Public	Public	Variable	Refer to Sections 623.1 for additional requirements						
Recreation Uses as accessory indoor use	By Right	Public	Public	Variable	Refer to Section 644 of this Joint Zoning Ordinance						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 655 for additional requirements						
Bed and Breakfast Establishment	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	50 feet	50 %	70 %
Group Home	Special Exception	Public	Public	Variable	Refer to Section 620 for additional requirements						
Category 2 Home Occupation	Special Exception	Public	Public	Variable	Refer to Sections 623.2 for additional requirements						
Manufactured or Mobile Home Park	Special Exception	Public	Public	5 acres	Refer to Section 631 for additional requirements						
Personal Care, Assisted Live Care	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	20 feet	10 feet	50 feet	50 %	70 %

R-4 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 5)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Place of Worship Religious, Cemetery	Special Exception	Public	Public	1 acre	150 feet	40 feet	20 feet	40 feet	50 feet	50 %	70 %
Recreation Uses Public and Active	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Recreation Uses as accessory outdoor	Special Exception	Optional	Optional	Variable	Refer to Section 644 of this Joint Zoning Ordinance						
Roadside Stand	Special Exception	Optional	Optional	Variable	Refer to Section 727 for additional requirements						
Schools and Educational Uses	Special Exception	Optional	Optional	1 acre	150 feet	40 feet	20 feet	40 feet	50 feet	50 %	70 %
Townhouse Uses more than 8 units	Conditional Use	Public	Public	Variable	Refer to Section 658 for additional requirements						

Section 407: Urban Residential (R-5) Zoning District

- (A) **Purpose:** The R-5 Zoning District generally contains areas with developments containing medium to high density residential uses. The purpose of the R-5 Zoning District is as follows:
- (1) To maintain the integrity of existing residential neighborhoods and allow consistent development of undeveloped parcels of land.
 - (2) To accommodate urban residential development upon lands best-suited for suburban and urban uses.
 - (3) To efficiently utilize the existing infrastructure and community facilities.
- (B) **Uses by Right:** The following principal uses shall be permitted by right within the R-5 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Emergency Service Facility, subject to Section 615 of this Joint Zoning Ordinance.
 - (2) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (3) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (4) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (5) Single Family Detached Dwelling, subject to Section 654 of this Joint Zoning Ordinance.
 - (6) Single Family Semi-Detached Dwelling, subject to Section 655 of this Joint Zoning Ordinance.
 - (7) Townhouses containing 8 or fewer dwelling units that are developed or maintained as individual uses, subject to Section 658 of this Joint Zoning Ordinance.
 - (8) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the R-5 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative energy facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (5) Telecommunication Facilities located on municipal land or designed as a co-located facility, subject to Section 655 of this Joint Zoning Ordinance.
- (D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the R-5 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Group Home, subject to Section 620 of this Joint Zoning Ordinance.
 - (2) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.

- (3) Personal Care, Assisted Living Care, Convalescent Home or Nursing Home, subject to Section 639 of this Joint Zoning Ordinance.
 - (4) Places of Worship, Religious Uses and Cemeteries, subject to Section 641 of this Joint Zoning Ordinance.
 - (5) Recreation Facilities and Uses designated as a public facility with active recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (6) Recreation Facilities and Uses as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (7) Schools and Educational Uses, subject to Section 650 of this Joint Zoning Ordinance.
 - (8) Accessory uses and structures that are not located on the same lot of a permitted principal use.
- (E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use in the R-5 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Multi-Family Apartment Uses and Developments, subject to Section 635 of this Joint Zoning Ordinance.
 - (2) Townhouse Uses and Developments containing more than eight (8) dwelling units, subject to the provisions of Section 658 of this Joint Zoning Ordinance.
 - (3) Transitional Age Development, subject to Section 659 of this Joint Zoning Ordinance.
- (F) **Utility and Dimensional Requirements:** Matrix Chart 6 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the R-5 Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 6, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the R-5 Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.
- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the R-5 Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A complete list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the R-5 Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the R-5 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.

- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the R-5 Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.
- (L) **Signs:** Where applicable, all permitted uses within the R-5 District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the R-5 Zoning District.

R-5 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 6)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Emergency Service Facility	By Right	Public	Public	10,000 sq. ft.	100 feet	20 feet	10 feet	20 feet	50 feet	50 %	70 %
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Recreation Uses Public and Passive	By Right	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Single Family Detached Dwelling	By Right	Public	Public	3,000 sq. ft.	30 feet	20 feet	6 feet	20 feet	35 feet	40 %	50 %
Single Family Semi-Detached Dwelling	By Right	Public	Public	2,000 sq. ft.	25 feet	20 feet	6 feet	20 feet	35 feet	50 %	60 %
Townhouse Uses 8 or less units	By Right	Public	Public	1,000 sq. ft.	20 feet	20 feet	6 feet	20 feet	35 feet	60 %	70 %
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Category 1 Home Occupation	By Right	Public	Public	Variable	Refer to Sections 623.1 for additional requirements						
Recreation Uses as accessory indoor use	By Right	Public	Public	Variable	Refer to Section 644 of this Joint Zoning Ordinance						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 655 for additional requirements						
Group Home	Special Exception	Public	Public	Variable	Refer to Section 620 for additional requirements						
Category 2 Home Occupation	Special Exception	Public	Public	Variable	Refer to Sections 623.1 and 651 for additional requirements						
Personal Care, Assisted Live Care	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	50 feet	50 %	70 %
Place of Worship Religious, Cemetery	Special Exception	Public	Public	1 acre	150 feet	30 feet	20 feet	30 feet	50 feet	50 %	70 %
Recreation Uses Public and Active	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						

R-5 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 6)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Schools and Educational Uses	Special Exception	Public	Public	1 acre	150 feet	40 feet	30 feet	40 feet	50 feet	40 %	60 %
Apartment Uses and Development	Conditional Use	Public	Public	2 acres	Refer to Section 635 for additional requirements						
Townhouse Uses more than 8 units	Conditional Use	Public	Public	Variable	Refer to Section 658 for additional requirements						
Transitional Age Developments	Conditional Use	Public	Public	2 acres	Refer to Section 659 for additional requirements						

Section 408: Local Commercial (C-1) Zoning District

- (A) **Purpose:** The C-1 Zoning District generally contains areas a mixture of residential, commercial and institutional uses within a village atmosphere. The purpose of the C-1 Zoning District is as follows:
- (1) To provide for local commercial uses, retail shops and personal service facilities designed to meet the day-to-day needs of the residents of the community.
 - (2) To provide a full range of commercial services to the residents of the community with optimum convenience within commercial nodes along arterial and collector roads.
- (B) **Uses by Right:** The following principal uses shall be permitted by right within the C-1 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Age-Qualified Retirement Community, subject to Section 603 of this Joint Zoning Ordinance.
 - (2) Banks and Financial Institutions, subject to Section 606 of this Joint Zoning Ordinance.
 - (3) Business, Professional and Governmental Offices containing less than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
 - (4) Dry Cleaners and Laundromats, subject to Section 614 of this Joint Zoning Ordinance.
 - (5) Emergency Service Facility, subject to Section 615 of this Joint Zoning Ordinance.
 - (6) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (7) Grocery Store containing less than 5,000 square feet of gross floor area, subject to Section 619 of this Joint Zoning Ordinance.
 - (8) Health Club or Fitness Center as a principal use, subject to Section 621 of this Joint Zoning Ordinance.
 - (9) Home Improvement and/or Building Supply Store, subject to Section 622 of this Joint Zoning Ordinance.
 - (10) Laboratory or Research Center, subject to Section 628 of this Joint Zoning Ordinance.
 - (11) Landscape Center, subject to Section 629 of this Joint Zoning Ordinance.
 - (12) Library, subject to Section 630 of this Joint Zoning Ordinance.
 - (13) Medical, Dental, Vision, Counseling and Health Care Providers, subject to Section 633 of this Joint Zoning Ordinance.
 - (14) Mixed Use Commercial and Residential Developments, subject to Section 634 of this Joint Zoning Ordinance.
 - (15) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (16) Museums, subject to Section 637 of this Joint Zoning Ordinance.
 - (17) Personal Service Facility, subject to Section 640 of this Joint Zoning Ordinance.
 - (18) Printing and Publishing Facility, subject to the provisions of Section 642 of this Joint Zoning Ordinance.
 - (19) Recreation Facilities and Uses designated as a commercial recreation indoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.

- (20) Restaurant, Café or Tavern, subject to Section 648 of this Joint Zoning Ordinance.
 - (21) Retail Business Use containing less than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
 - (22) Secondary Commercial Use or Pad Site, subject to Section 652 of this Joint Zoning Ordinance.
 - (23) Single Family Detached Dwelling, subject to Section 654 of this Joint Zoning Ordinance. This use shall only apply to the C-1 Zoning District of Mount Penn Borough.
 - (24) Single Family Semi-Detached Dwelling, subject to Section 655 of this Joint Zoning Ordinance. This use shall only apply to the C-1 Zoning District of Mount Penn Borough
 - (25) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the C-1 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance.
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative energy facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Health Club or Fitness Center as an accessory use, subject to Section 621 of this Joint Zoning Ordinance
 - (4) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (5) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (6) Telecommunication Facilities located on municipal land or designed as a co-located facility, subject to Section 656 of this Joint Zoning Ordinance.
- (D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the C-1 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Automobile Service and Repair Facility, subject to Section 605 of this Joint Zoning Ordinance.
 - (2) Bed and Breakfast Establishment, subject to Section 607 of the Joint Zoning Ordinance. This use shall only apply to the C-1 Zoning District of Lower Alsace Township.
 - (3) Commercial Day Care as a principal or accessory use, subject to Section 613.2 of this Joint Zoning Ordinance.
 - (4) Drive-Through Service Facility as an accessory use to a permitted commercial use, subject to Sections 408, 806 and 1107 of this Joint Zoning Ordinance.
 - (5) Funeral Home, subject to Section 617 of this Joint Zoning Ordinance.
 - (6) Garage Parking Facility, subject to Section 618 of this Joint Zoning Ordinance.
 - (7) Grocery Store containing 5,000 square feet or more of gross floor area, subject to Section 619 of this Joint Zoning Ordinance.
 - (8) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.

- (9) Personal Care, Assisted Living Care, Convalescent Home or Nursing Home, subject to Section 639 of this Joint Zoning Ordinance.
 - (10) Places of Worship, Religious Uses and Cemeteries, subject to Section 641 of this Joint Zoning Ordinance.
 - (11) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (12) Recreation Facilities and Uses designated as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (13) Recreation Facilities and Uses as designated as a passive recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (14) Recreation Facilities and Uses designated as a commercial recreation outdoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (15) Retail Business Use containing 5,000 square feet or more of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
 - (16) Retail Convenience Store, subject to Section 650 of this Joint Zoning Ordinance. This use shall only apply to the C-1 Zoning District of Mount Penn Borough
 - (17) Roadside Stand for the sale of agricultural and horticultural products, subject to Section 727 of this Joint Zoning Ordinance.
 - (18) Schools and Educational Uses, subject to Section 650 of this Joint Zoning Ordinance. This use shall only apply to the C-1 Zoning District of Mount Penn Borough.
 - (19) Theater, subject to Section 657 of this Joint Zoning Ordinance.
 - (20) Veterinary Hospital, subject to Section 660 of this Joint Zoning Ordinance.
 - (21) Accessory uses and structures that are not located on the same lot of a permitted principal use.
- (E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use within the C-1 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Business, Professional and Governmental Offices containing 10,000 square feet or more of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
 - (2) Hospital and Medical Centers, subject to Section 625 of this Joint Zoning Ordinance.
 - (3) Hotels and Motels, subject to Section 626 of this Joint Zoning Ordinance.
 - (4) Multi-Family Apartment Uses and Developments, subject to Section 635 of this Joint Zoning Ordinance.
 - (5) Shopping Center and Shopping Mall, subject to Section 653 of this Joint Zoning Ordinance.

- (F) **Utility and Dimensional Requirements:** Matrix Chart 7 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the C-1 Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 7, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the C-1 Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.
- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the C-1 Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A complete list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the C-1 Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the C-1 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.
- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the C-1 Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.
- (L) **Signs:** Where applicable, all permitted uses within the C-1 District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the C-1 Zoning District.

C-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 7)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Age-Qualified Retirement Comm.	By Right	Public	Public	2 acres	Refer to Section 603 for additional requirements						
Banks and Financial Institutions	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Offices with less than 10,000 SF GFA	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Dry Cleaners and Laundromats	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Emergency Service Facility	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Grocery Store with less than 5,000 GFA	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Health Club or Fitness Center	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Home Improvement Building Supply	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Laboratory or Research Center	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Landscape Center	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Library	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Medical, Dental, Vision, Counseling	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Mixed Use, Comm. and Residential	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Museums	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %

C-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 7)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Personal Service Facility	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Printing and Publishing	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Comm. Recreation Indoor Use	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Restaurant, Café or Tavern	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Retail Use with less than 5,000 SF GFA	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Secondary Comm. Use or Pad Site	By Right	Public	Public	1 acre	Refer to Section 651 for additional requirements						
Single Family Detached Dwelling	By Right	Public	Public	4,000 sq.ft.	40 feet	20 feet	6 feet	20 feet	35 feet	50 %	60 %
Single Family Semi-Detached Dwelling	By Right	Public	Public	2,500 sq.ft.	30 feet	20 feet	6 feet	20 feet	35 feet	50 %	60 %
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Health Club as Accessory Use	By Right	Public	Public	Variable	Refer to Sections 621 for additional requirements						
Category 1 Home Occupation	By Right	Public	Public	Variable	Refer to Section 623.1 for additional requirements						
Recreation Uses as accessory indoor use	By Right	Public	Public	Variable	Refer to Section 644 of this Joint Zoning Ordinance						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 656 for additional requirements						
Automobile Service and Repair Facility	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Bed and Breakfast	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Commercial Day Care	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %

C-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 7)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Drive-Through Service Facility	Special Exception	Public	Public	Variable	Refer to Sections 408 and 806 for additional requirements						
Funeral Home	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Garage Parking Facility	Special Exception	Optional	Optional	20,000 sq.ft.	Refer to Section 618 for additional requirements						
Grocery Store more than 5,000 SF GFA	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Category 2 Home Occupation	Special Exception	Public	Public	Variable	Refer to Section 623.2 for additional requirements						
Personal Care, Assisted Live Care	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	50 feet	50 %	70 %
Place of Worship Religious, Cemetery	Special Exception	Public	Public	1 acre	150 feet	30 feet	20 feet	30 feet	50 feet	50 %	70 %
Recreation Uses Public and Passive	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Recreation Uses Public and Active	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Recreation Uses accessory outdoor	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Recreation Uses as commercial outdoor	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Retail Use more than 5,000 GFA	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Retail Convenience Store	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Roadside Stand	Special Exception	Optional	Optional	Variable	Refer to Section 727 for additional requirements						
Schools and Educational Uses	Special Exception	Public	Public	1 acre	150 feet	30 feet	20 feet	30 feet	50 feet	50 %	70 %
Theater	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Veterinary Hospital	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %

C-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 7)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Offices with more than 10,000 SF GFA	Conditional Use	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Hospital or Medical Center	Conditional Use	Public	Public	1 acre	150 feet	30 feet	20 feet	30 feet	50 feet	50 %	70 %
Hotel or Motel	Conditional Use	Public	Public	1 acre	150 feet	30 feet	20 feet	30 feet	50 feet	50 %	70 %
Apartment Uses and Development	Conditional Use	Public	Public	2 acres	Refer to Section 635 for additional requirements						
Shopping Centers Shopping Malls	Conditional Use	Public	Public	2 acres	Refer to Section 653 for additional requirements						

Section 409: General Commercial (C-2) Zoning District

- (A) **Purpose:** The C-2 Zoning District generally contains areas a mixture of commercial and institutional uses along well major collector and arterial roads. The purpose of the C-2 Zoning District is as follows:
- (1) To provide for high-volume commercial and institutional uses, retail shops, and personal service facilities designed to meet the day-to-day needs of the residents of the community.
 - (2) To provide a full range of commercial services to the residents of the community with optimum convenience within commercial nodes along arterial and collector roads.
- (B) **Uses by Right:** The following principal uses shall be permitted by right within the C-2 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Banks and Financial Institutions, subject to Section 606 of this Joint Zoning Ordinance.
 - (2) Business, Professional and Governmental Offices containing less than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
 - (3) Dry Cleaners and Laundromats, subject to Section 614 of this Joint Zoning Ordinance.
 - (4) Emergency Service Facility, subject to Section 615 of this Joint Zoning Ordinance.
 - (5) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (6) Grocery Store containing less than 5,000 square feet of gross floor area, subject to Section 619 of this Joint Zoning Ordinance.
 - (7) Health Club or Fitness Center as a principal use, subject to Section 621 of this Joint Zoning Ordinance.
 - (8) Home Improvement and/or Building Supply Store, subject to Section 622 of this Joint Zoning Ordinance.
 - (9) Laboratory or Research Center, subject to Section 628 of this Joint Zoning Ordinance.
 - (10) Landscape Center, subject to Section 629 of this Joint Zoning Ordinance.
 - (11) Medical, Dental, Vision, Counseling and Health Care Providers, subject to Section 633 of this Joint Zoning Ordinance.
 - (12) Mixed Use Commercial and Residential Developments, subject to Section 634 of this Joint Zoning Ordinance.
 - (13) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (14) Personal Service Facility, subject to Section 640 of this Joint Zoning Ordinance.
 - (15) Printing and Publishing Facility, subject to the provisions of Section 642 of this Joint Zoning Ordinance.
 - (16) Recreation Facilities and Uses designated as a commercial recreation indoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (17) Restaurant, Café or Tavern, subject to Section 648 of this Joint Zoning Ordinance.
 - (18) Retail Business Use containing less than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
 - (19) Secondary Commercial Use or Pad Site, subject to Section 651 of this Joint Zoning Ordinance.

- (20) Single Family Detached Dwelling, subject to Section 654 of this Joint Zoning Ordinance. This use shall only apply to the C-2 Zoning District of Mount Penn Borough.
 - (21) Single Family Semi-Detached Dwelling, subject to Section 655 of this Joint Zoning Ordinance. This use shall only apply to the C-2 Zoning District of Mount Penn Borough.
 - (22) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the C-2 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance.
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative energy facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Health Club or Fitness Center as an accessory use, subject to Section 621 of this Joint Zoning Ordinance
 - (5) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (6) Telecommunication Facilities located on municipal land or designed as a co-located facility, subject to Section 655 of this Joint Zoning Ordinance.
- (D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the C-2 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Automobile Sales and Car Washing Facilities, subject to Section 605 of this Joint Zoning Ordinance. This use shall only apply to the C-2 Zoning District of Mount Penn Borough.
 - (2) Automobile Service and Repair Facility, subject to Section 605 of this Joint Zoning Ordinance
 - (3) Commercial Day Care as a principal or accessory use, subject to Section 613.2 of this Joint Zoning Ordinance.
 - (4) Drive-Through Service Facility as an accessory use to a permitted commercial use, subject to Sections 408, 806 and 1107 of this Joint Zoning Ordinance.
 - (5) Funeral Home, subject to Section 617 of this Joint Zoning Ordinance.
 - (6) Garage Parking Facility, subject to Section 618 of this Joint Zoning Ordinance.
 - (7) Grocery Store containing 5,000 square feet or more of gross floor area, subject to Section 619 of this Joint Zoning Ordinance.
 - (8) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.
 - (9) Personal Care, Assisted Living Care, Convalescent Home or Nursing Home, subject to Section 639 of this Joint Zoning Ordinance.
 - (10) Places of Worship, Religious Uses and Cemeteries, subject to Section 641 of this Joint Zoning Ordinance.
 - (11) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.

- (12) Recreation Facilities and Uses designated as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (13) Recreation Facilities and Uses as designated as a passive recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (14) Recreation Facilities and Uses designated as a commercial recreation outdoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (15) Retail Business Use containing 5,000 square feet or more of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
 - (16) Retail Convenience Store, subject to Section 650 of this Joint Zoning Ordinance. This use shall only apply to the C-2 Zoning District of Mount Penn Borough.
 - (17) Roadside Stand for the sale of agricultural and horticultural products, subject to Section 727 of this Joint Zoning Ordinance.
 - (18) Schools and Educational Uses, subject to Section 651 of this Joint Zoning Ordinance. This use shall only apply to the C-2 Zoning District of Mount Penn Borough.
 - (19) Theater, subject to Section 657 of this Joint Zoning Ordinance.
 - (20) Veterinary Hospital, subject to Section 660 of this Joint Zoning Ordinance.
 - (21) Accessory uses and structures that are not located on the same lot of a permitted principal use.
- (E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use within the C-2 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Business, Professional and Governmental Offices containing 10,000 square feet or more of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
 - (2) Hospital and Medical Centers, subject to Section 625 of this Joint Zoning Ordinance.
 - (3) Shopping Center and Shopping Mall, subject to Section 653 of this Joint Zoning Ordinance.
- (F) **Utility and Dimensional Requirements:** Matrix Chart 8 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the C-2 Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 8, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the C-2 Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.
- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the C-2 Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A complete list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.

- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the C-2 Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the C-2 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.
- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the C-2 Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.
- (L) **Signs:** Where applicable, all permitted uses within the C-2 District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the C-2 Zoning District.

C-2 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 8)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Banks and Financial Institutions	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Offices with less than 10,000 SF GFA	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Dry Cleaners and Laundromats	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Emergency Service Facility	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Grocery Store with less than 5,000 GFA	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Health Club or Fitness Center	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Home Improvement Building Supply	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Laboratory or Research Center	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Landscape Center	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Medical, Dental, Vision, Counseling	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Mixed Use, Comm. and Residential	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Personal Service Facility	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Printing and Publishing	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Comm. Recreation Indoor Use	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %

C-2 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 8)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Restaurant, Café or Tavern	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Retail Use with less than 5,000 GFA	By Right	Public	Public	10,000 sq.ft.	80 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Secondary Comm. Use or Pad Site	By Right	Public	Public	1 acre	Refer to Section 651 for additional requirements						
Single Family Detached Dwelling	By Right	Public	Public	4,000 sq.ft.	40 feet	20 feet	6 feet	20 feet	35 feet	50 %	60 %
Single Family Semi-Detached Dwelling	By Right	Public	Public	2,500 sq.ft.	30 feet	20 feet	6 feet	20 feet	35 feet	50 %	60 %
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Category 1 Home Occupation	By Right	Public	Public	Variable	Refer to Sections 623.1, 651 and/or 652 for additional requirements						
Health Club as Accessory Use	By Right	Public	Public	Variable	Refer to Sections 621 for additional requirements						
Recreation Uses as accessory indoor use	By Right	Public	Public	Variable	Refer to Section 644 of this Joint Zoning Ordinance						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 655 for additional requirements						
Automobile Sales and Car Washing	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Automobile Service and Repair Facility	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Commercial Day Care	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Drive-Through Service Facility	Special Exception	Public	Public	Variable	Refer to Sections 409 and 806 for additional requirements						
Funeral Home	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Garage Parking Facility	Special Exception	Optional	Optional	20,000 sq.ft.	Refer to Section 618 for additional requirements						

C-2 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 8)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Grocery Store more than 5,000 GFA	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Category 2 Home Occupation	Special Exception	Public	Public	Variable	Refer to Sections 623.1 and 651 for additional requirements						
Personal Care, Assisted Live Care	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	50 feet	50 %	70 %
Place of Worship Religious, Cemetery	Special Exception	Public	Public	1 acre	150 feet	30 feet	20 feet	30 feet	50 feet	50 %	70 %
Recreation Uses Public and Passive	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Recreation Uses Public and Active	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Recreation Uses accessory outdoor	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Recreation Uses as commercial outdoor	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Retail Use more than 5,000 GFA	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Retail Convenience Store	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Roadside Stand	Special Exception	Optional	Optional	Variable	Refer to Section 727 for additional requirements						
Schools and Educational Uses	Special Exception	Public	Public	1 acre	150 feet	30 feet	20 feet	30 feet	50 feet	50 %	70 %
Theater	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Veterinary Hospital	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Offices with more than 10,000 SF GFA	Conditional Use	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Hospital or Medical Center	Conditional Use	Public	Public	1 acre	150 feet	30 feet	20 feet	30 feet	50 feet	50 %	70 %
Shopping Centers Shopping Malls	Conditional Use	Public	Public	2 acres	Refer to Section 652 for additional requirements						

Section 410: Industrial (I-1) Zoning District

- (A) **Purpose:** The I-1 Zoning District generally contains areas with a mixture of commercial and industrial uses located within close proximity of highways. The purpose of the I-1 Zoning District is as follows:
- (1) To accommodate commercial and industrial uses, which may be conducted on individual lots with sufficient infrastructure.
 - (2) To protect the residents within the community from excessive traffic volume on local roads by locating these uses in close proximity to expressways and arterial roads.
 - (3) To locate and cluster certain non-residential uses that may not be compatible to residential uses.
- (B) **Uses by Right:** The following principal uses shall be permitted by right within the I-1 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Agricultural Operation that is classified as a general agricultural use, subject to Section 604.1 of this Joint Zoning Ordinance.
 - (2) Emergency Service Facility, subject to Section 615 of this Joint Zoning Ordinance.
 - (3) Forestry, subject to Section 616 of this Joint Zoning Ordinance.
 - (4) Laboratory or Research Center, subject to Section 628 of this Joint Zoning Ordinance.
 - (5) Landscape Center, subject to Section 629 of this Joint Zoning Ordinance.
 - (6) Manufacturing, Fabrication and Finishing Uses, subject to Section 632 of this Joint Zoning Ordinance.
 - (7) Municipal Uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (8) Printing and Publishing Facility, subject to the provisions of Section 642 of this Joint Zoning Ordinance.
 - (9) Retail Business Use containing less than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
 - (10) Warehouse and Distribution Center, subject to Section 661 of this Joint Zoning Ordinance.
 - (11) Wholesale Establishment, subject to Section 662 of this Joint Zoning Ordinance.
 - (12) Public Utilities, subject to Section 732 of this Joint Zoning Ordinance
- (C) **Accessory Uses:** The following accessory uses shall be permitted by right within the I-1 Zoning District, provided that: such use complies with the provisions of this Joint Zoning Ordinance
- (1) Accessory uses and structures that are customarily and clearly subordinate to a principal use are permitted by right, provided that such accessory uses and structures are located on the same lot as the principal use and comply with the provisions of this Joint Zoning Ordinance.
 - (2) Alternative energy facilities as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, wind energy facilities or wood-fired boilers, subject to the provisions specified under Section 704 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.

- (5) Telecommunication Facilities located on municipal land or designed as a co-located facility, subject to Section 655 of this Joint Zoning Ordinance.
- (D) **Uses by Special Exception:** The following principal and accessory uses are permitted by special exception within the I-1 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Automobile Service Station and Repair Facility, subject to Section 605 of this Joint Zoning Ordinance.
 - (2) Category 2 Home Occupation, subject to Section 623.2 of this Joint Zoning Ordinance.
 - (3) Recreation Facilities and Uses designated as a public facility with passive recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (4) Recreation Facilities and Uses as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance
 - (5) Retail Business Use containing 5,000 square feet or more of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
 - (6) Roadside Stand for the sale of agricultural and horticultural products, subject to Section 727 of this Joint Zoning Ordinance.
 - (7) Accessory uses and structures that are not located on the same lot of a permitted principal use.
- (E) **Uses by Conditional Use:** The following principal and accessory uses are permitted by conditional use within the I-1 Zoning District, provided that such use complies with the provisions of this Joint Zoning Ordinance:
- (1) Undefined or Other Land Uses Not Provided For, subject to Section 663 of this Joint Zoning Ordinance.
- (F) **Utility and Dimensional Requirements:** Matrix Chart 9 on the following page provides the basic utility and dimensional requirements for all permitted principal uses within the I-1 Zoning District. Unless otherwise specified by the municipality with jurisdiction, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 9, the provisions contained within the text shall prevail.
- (G) **Accessory Uses and Structures:** Accessory uses and/or structures to the permitted uses of the I-1 Zoning District shall be permitted provided: they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use, or other approval requirements; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction. Accessory uses and structures may also include transportation facilities and utility provisions that have been approved by the appropriate agencies having jurisdiction and that they are necessary to support the principal use.
- (H) **Supplemental Regulations:** Where appropriate, the provisions contained under Article 6 of this Joint Zoning Ordinance shall apply to certain permitted land uses of the I-1 Zoning District. These provisions include specific planning, engineering and development requirements for certain uses that are permitted by the municipality with jurisdiction. A complete list of these supplemental regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.
- (I) **General Regulations:** Where appropriate, the provisions contained under Article 7 of this Joint Zoning Ordinance shall apply to the permitted land uses of the I-1 Zoning District. A complete list of these general regulations along with a cross-reference guide to their corresponding section and page numbers have been included within the Table of Contents of this Joint Zoning Ordinance.

- (J) **Subdivision and Land Development Requirements:** Where required to comply with the subdivision and land development provisions of Lower Alsace Township and Mount Penn Borough, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for any permitted use within the I-1 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions established by the municipality with jurisdiction.
- (K) **Off-Street Parking and Loading:** Where applicable, all permitted uses within the I-1 Zoning District shall comply with the off-street parking and loading requirements specified under Article 8 of this Joint Zoning Ordinance.
- (L) **Signs:** Where applicable, all permitted uses within the I-1 District shall comply with the requirements for signs, as specified under Article 9 of this Joint Zoning Ordinance.
- (M) **Nonconformities:** Principal and accessory uses that are classified as nonconforming shall comply with the general provisions specified under Article 10 of this Joint Zoning Ordinance. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the I-1 Zoning District.

I-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 9)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
General Agricultural Operation and Uses	By Right	Optional	Optional	5 acres	Refer to Section 604.1 for additional requirements						
Automobile Service and Repair Facility	By Right	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Emergency Service Facility	By Right	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	50 feet	50 %	70 %
Forestry	By Right	Optional	Optional	Variable	Refer to Section 616 for additional requirements						
Laboratory or Research Center	By Right	On-Lot	On-Lot	2 acres.	200 feet	50 feet	40 feet	40 feet	50 feet	50 %	70 %
		Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Landscape Center	By Right	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Manufacturing, Fabrication and Finishing	By Right	On-Lot	On-Lot	2 acres.	200 feet	50 feet	40 feet	40 feet	50 feet	50 %	70 %
		Public	Public	20,000 sq.ft.	100 feet	30 feet	15 feet	30 feet	50 feet	50 %	70 %
Municipal Uses	By Right	Optional	Optional	Variable	Refer to Section 636 for additional requirements						
Printing and Publishing	By Right	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Retail Use with less than 5,000 GFA	By Right	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Warehouse and Distribution	By Right	On-Lot	On-Lot	2 acres.	200 feet	50 feet	40 feet	40 feet	50 feet	50 %	70 %
		Public	Public	20,000 sq.ft.	100 feet	30 feet	15 feet	30 feet	50 feet	50 %	70 %
Wholesale Establishment	By Right	On-Lot	On-Lot	2 acres.	200 feet	50 feet	40 feet	40 feet	50 feet	50 %	70 %
		Public	Public	20,000 sq.ft.	100 feet	30 feet	15 feet	30 feet	50 feet	50 %	70 %

I-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 9)											
Use	Procedural Requirement	Utility Requirements		Minimum Net Lot Area	Minimum Lot Width	Minimum Yard Requirements			Maximum Height	Maximum Coverage	
		Sewer	Water			Front	Side (each)	Rear		Building	Lot
Public Utilities	By Right	Optional	Optional	Variable	Refer to Section 732 for additional requirements						
Alternative Energy Facilities	By Right	Optional	Optional	Variable	Refer to Section 704 for additional requirements						
Category 1 Home Occupation	By Right	Public	Public	Variable	Refer to Section 623.1 for additional requirements						
Telecommunications Municipal / Co-Locate	By Right	Optional	Optional	Variable	Refer to Section 656 for additional requirements						
Category 2 Home Occupation	Special Exception	Public	Public	Variable	Refer to Sections 623.2 for additional requirements						
Recreation Uses Public and Passive	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Recreation Uses accessory outdoor	Special Exception	Optional	Optional	1 acre	Refer to Section 644 for additional requirements						
Retail Use more than 5,000 GFA	Special Exception	Public	Public	20,000 sq.ft.	100 feet	20 feet	10 feet	20 feet	35 feet	50 %	70 %
Roadside Stand	Special Exception	Optional	Optional	Variable	Refer to Section 727 for additional requirements						
Undefined or Other Land Uses	Conditional Use	Public	Public	2 to 5 acres	200 feet	50 feet	50 feet	50 feet	50 feet	20 %	30 %

Article 5: Overlay Districts

Section 501: Statement of Intent

- (A) The purpose of the Overlay Districts that have been established as part of this Joint Zoning Ordinance is to implement the goals, objectives and policies of the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, which pertain to conservation management, environmental resource protection, natural resources, economic development, historic preservation, streetscape enhancements, corridor development and open space preservation. In order to strategically implement the goals, objectives and policies, the following Overlay Districts are hereby established as part of this Joint Zoning Ordinance:
- Carsonia Avenue Overlay District**
 - Floodplain Overlay District**
 - Historic Preservation Overlay District**
 - Perkiomen Avenue Overlay District**
 - Riparian Buffer Overlay District**
 - Spook Lane Overlay District**
 - Steep Slope Overlay District**
 - Wetlands Overlay District**
 - Woodlands Overlay District**
- (B) The Overlay Districts incorporated within Article 5 of this Joint Zoning Ordinance include provisions to supplement and enhance the existing underlying district regulations for certain land areas and water features. These supplemental regulations should not replace the existing underlying zoning district regulations. In cases where the Overlay Districts should overlap, the more restrictive standards and specifications shall apply.
- (C) The land and water areas encompassed by the Overlay Districts shall be subject to the interpretation of the Zoning Officer with municipal jurisdiction. Should a dispute arise concerning the interpretation of the boundaries or limits of those land or water areas encompassed by the Overlay Districts, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board with municipal jurisdiction. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the person appealing the interpretation of the Zoning Officer with municipal jurisdiction.

Section 502: Carsonia Avenue Overlay District

- (A) **Purpose:** The Carsonia Avenue Overlay District shall be a special overlay to the underlying zoning districts within Lower Alsace Township and/or Mount Penn Borough. The purpose of the Carsonia Avenue Overlay District are outlined as follows:
- (1) To improve the aesthetics, architectural appearance, commercial centers, and streetscape design within a defined corridor of Lower Alsace Township and/or Mount Penn Borough.
 - (2) To require uniform streetscape improvements and site enhancement measures such as street trees, streetlights, curbing, sidewalks, pedestrian crosswalks, architecture, controlled signage, traffic calming measures and gateway planning, which reflect the overall community vision.
 - (3) To improve the modes of transportation by enabling automobile, pedestrian and bicycle traffic to coexist in a planned and harmonious community.

- (4) To retain and expand existing businesses to preserve a sound tax base and provide employment opportunities.
 - (5) To encourage adaptive reuse and redevelopment opportunities.
 - (6) To provide incentive-minded parameters to attract or expand desirable uses.
 - (7) To implement the recommendations for land use planning, economic development and transportation, which are contained within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough
- (B) **Proximity:** The Carsonia Avenue Overlay District has been depicted on an insert map, which has been included within Appendix C and Appendix D of this Joint Zoning Ordinance.
- (C) **Application:** Subdivision and land development activity within the Carsonia Avenue Overlay District shall be designed in accordance with the following application requirements:
- (1) Applications involving a minor subdivision or minor land development may utilize the lot area and dimensional requirements specified by the underlying zoning district, provided that compliance can not be achieved with the provisions of the Carsonia Avenue Overlay District. Where feasible, all such applications shall be designed in accordance the land use, planning, engineering, architectural and development provisions that are specified for the Carsonia Avenue Overlay District.
 - (2) Applications involving a major subdivision or major land development shall utilize the lot area and dimensional requirements that are specified for the Carsonia Avenue Overlay District. All such applications shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified for the Carsonia Avenue Overlay District.
 - (3) The municipality with jurisdiction may permit the land uses that are permitted within the underlying zoning district as a conventional development. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district and the Carsonia Avenue Overlay District. Should a conflict exist, the provisions of the underlying zoning district shall apply.
- (D) **Uses by Right:** The following principal and accessory uses shall be permitted by right within the Carsonia Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:
- (1) Principal and accessory uses permitted by right within the underlying zoning district shall be permitted by right within the Carsonia Avenue Overlay District. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district.
 - (2) Banks and Financial Institutions, subject to Section 606 of this Joint Zoning Ordinance.
 - (3) Business, Professional or Governmental Office containing less than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance
 - (4) Library, subject to Section 630 of this Joint Zoning Ordinance.
 - (5) Medical, Dental, Vision, Counseling and Health Care Providers, subject to Section 633 of this Joint Zoning Ordinance.
 - (6) Mixed Use Commercial and Residential Developments, subject to Section 634 of this Joint Zoning Ordinance.
 - (7) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (8) Recreation Facilities and Uses designated as a commercial recreation indoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (9) Restaurant, Café or Tavern, subject to Section 648 of this Joint Zoning Ordinance.

- (10) Retail Business Use containing less than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
- (E) **Uses by Special Exception:** The following principal and accessory uses shall be permitted by special exception within the Carsonia Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:
- (1) Bed and Breakfast Establishment, subject to Section 607 of this Joint Zoning Ordinance.
 - (2) Funeral Home, subject to Section 617 of this Joint Zoning Ordinance.
 - (3) Garage Parking Facility, subject to Section 618 of this Joint Zoning Ordinance.
 - (4) Personal Service Facility, subject to Section 640 of this Joint Zoning Ordinance.
 - (5) Printing and Publishing Facility, subject to the provisions of Section 642 of this Joint Zoning Ordinance.
 - (6) Recreation Facilities and Uses as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
 - (7) Recreation Facilities and Uses designated as a commercial recreation outdoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
- (F) **Uses by Conditional Use:** The following principal and accessory uses shall be permitted by conditional use within the Carsonia Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:
- (1) Adaptive Reuse and Redevelopment, subject to Section 602 of this Joint Zoning Ordinance.
 - (2) Business, Professional or Governmental Office containing more than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
 - (3) Club, Lodge or Social Quarters, subject to Section 610 of this Joint Zoning Ordinance.
 - (4) Hospital and Medical Centers, subject to Section 625 of this Joint Zoning Ordinance.
 - (5) Hotels and Motels, subject to Section 626 of this Joint Zoning Ordinance.
 - (6) Retail Business Use containing more than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
- (G) **Dimensional Requirements:** The following minimum and maximum dimensional requirements shall be applied to all lots, which are intended to be designed and occupied by permitted uses of the Carsonia Avenue Overlay District:
- (1) The following minimum lot area requirements shall apply to the permitted uses within the Carsonia Avenue Overlay District:
 - (a) A minimum lot area of 10,000 square feet shall be required for all uses permitted by right within the Carsonia Avenue Overlay District provided that the use and development complies with the provisions specified for the Carsonia Avenue Overlay District.
 - (b) A minimum of 20,000 square feet shall be required for all uses permitted by special exception and conditional use within the Carsonia Avenue Overlay District provided that the use and development complies with the provisions specified for the Carsonia Avenue Overlay District.

(c) A reduced lot size may be permitted by the municipality with jurisdiction, provided that the lot area complies with the minimum and maximum dimensional requirements for the use, as specified by the underlying zoning district.

(d) All accessory uses shall be located on a conforming lot.

(2) The minimum lot width shall be eighty (80) feet per lot.

(3) The front yard setback shall be at least twenty (20) feet, as measured from the legal right-of-way line.

(4) The side yard setback shall be ten (10) feet for a lot adjacent to a non-residential use.

(5) The side yard setback shall be twenty (20) feet for a lot adjacent to a residential use.

(6) The rear yard setback shall be twenty (20) feet.

(7) The maximum height of the buildings shall be thirty-five (35) feet.

(8) Taller buildings or structures are permitted, provided that an additional setback of two (2) feet is provided for every one (1) foot of height in excess of thirty-five (35) feet up to a maximum height of fifty (50) feet. All such buildings or structures shall only be permitted by conditional use.

(9) The maximum building coverage shall be fifty (50) percent of the lot area.

(10) The maximum lot coverage shall be seventy (70) percent of the lot area.

(H) **Land Use and Development Requirements:** The permitted uses within the Carsonia Avenue Overlay District shall comply with the following land use and development criteria:

(1) All subdivision and land development activity shall consider the goals, objectives, and policies established within the Joint Comprehensive Plan for Lower Alsace and Mount Penn Borough.

(2) All permitted uses shall be served by public sanitary sewer disposal facilities.

(3) All permitted uses shall be served by public water supply facilities.

(4) Applications involving a minor subdivision or minor land development shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified under Sections 502.H through 502.O of this Joint Zoning Ordinance.

(5) Applications involving a major subdivision or major land development shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified under Section 502.H through 502.O of this Joint Zoning Ordinance.

(6) The governing body of the municipality with jurisdiction shall determine how the application requirements referenced in Section 502.H.4 and 502.H.5 shall be applied after a recommendation is provided by the Planning Commission, Engineer and Zoning Officer.

(7) The provisions for optional design and site development alternatives are specified under Section 502.P of this Joint Zoning Ordinance.

(8) All subdivision and land development activity should be designed to integrate with existing amenities within the Carsonia Avenue Overlay District to the maximum extent possible, so that the architectural characteristics, streetscape design and landscape features are designed and improved as a unified development.

(I) **Architectural Design Criteria:**

- (1) Buildings and structures shall be designed to enhance the existing architectural and streetscape characteristics in accordance with the design requirements specified under Section 502 of this Joint Zoning Ordinance.
- (2) The front facade of the building shall be orientated towards the street with the highest functional classification in terms of vehicular and pedestrian traffic volumes.
- (3) All sides of a building shall be architecturally consistent with the front facade and facades visible from the street line. Modifications may be considered to the facade in order to accommodate the design requirements of the Carsonia Avenue Overlay District.
- (4) Buildings, structures, landscaping and streetscape improvements shall be designed in an effort to and integrate, reflect and/or enhance the visual appearance of the Carsonia Avenue Overlay District. The applicant shall attempt to integrate a building design concept that is general consistent with the architectural characteristics of the Carsonia Avenue Overlay District.
- (5) Buildings, structures and site improvements shall be located in a manner to mitigate visual, noise and traffic impacts with existing residential uses that are within residential zoning districts.
- (6) The shape of an opening, its proportion relative to the size of the building, how it functions, how it is divided, and the rhythm of openings within a structure must be specific to the building style and consistent with the design theme and architectural style.
- (7) Architectural relief and features shall be incorporated into the building design in accordance with the provisions specified by Section 705 of the Joint Zoning Ordinance.
- (8) The color, brightness and appearance of the exterior walls of the principal buildings and accessory structures shall be compatible with the design theme and architectural style. The selected color shall have a low reflectance level and the trim colors shall complement the color of the exterior walls.
- (9) Alternative building setback and orientation requirements may be considered, provided that the applicant can demonstrate the following: that the design of the building meets the objectives of the Carsonia Avenue Overlay District; that any reduction of the building setback requirements has been approved by the adjoining landowners; and that the design shall not disrupt any common facilities or utilities.
- (10) When buildings are to be located on a corner of intersecting streets, the entrance of the building shall be located on the corner with an enhance element or feature, which is consistent with the design theme and architectural style.
- (11) All proposed buildings shall be a minimum of two (2) stories in height on corner lots to anchor the corner and help to define the streetscape.
- (12) The street-side facade of buildings shall be designed with decorative windows, which is consistent with the design theme and architectural style.
- (13) No more than four (4) adjoining buildings shall have the same building height so as to create visual interest. Building heights shall vary by at least four (4) feet to provide visual interest. Where necessary, the maximum building height may be increased by five (5) feet over the specified height requirement in order to achieve this architectural design requirement.
- (14) Rooflines shall not appear flat when viewed from public streets. All roof-mounted equipment including HVAC, electrical, venting or other mechanical equipment shall be contained or concealed as part of the architectural design.

(J) Street and Streetscape Design:

- (1) The existing streetscape network within the Carsonia Avenue Overlay District shall be considered a vital design feature to successfully implementing land use compatibility. Unless otherwise permitted by the municipality with jurisdiction, all points of vehicular ingress and egress for a permitted use shall be located along Carsonia Avenue.
- (2) All proposed streets and access lanes shall comply with the provisions specified by the Subdivision and Land Development Ordinance.
- (3) Special attention to the gateways and main entrance(s) along Carsonia Avenue shall be provided. The use of streetscape improvements, low-impact lighting, banners, welcome signs, water features and/or landscaping enhancements shall be provided and considered as a prominent feature for all uses and developments within the Carsonia Avenue Overlay District.
- (4) Provisions for street furniture, including public benches, tables, clocks and waste receptacles shall be considered as part of the land development plan. All such street furniture shall be privately owned and maintained. The type and location of the proposed street furniture shall be subject to the approval of the municipality with jurisdiction.
- (5) Provisions for public transportation facilities, including bus stops, bus shelters, taxi stands, park and ride facilities, and other similar features shall be considered as part of the land development plan. The location of any public transportation facilities shall be subject to the approval of the municipality with jurisdiction.
- (6) Unless otherwise directed by the utility company providing service, all proposed utilities shall be installed underground and within a utility easement or right-of-way.

(K) Pedestrian and Vehicular Circulation:

- (1) All transportation and pedestrian improvements shall be designed considering all transportation studies and/or streetscape improvement plans.
- (2) New curb cuts shall be minimized in order to reduce traffic conflicts and vehicular congestion. Where appropriate, shared or common access drives shall be utilized to minimize curb cuts. Shared or common access drives shall be designed to have a definitive point of ingress and egress with sufficient area to accommodate the permitted turning movements.
- (3) Traffic calming measures, including speed control, volume control, road alignments and traffic management techniques shall be considered as part of the land development plan application in order to improve safety, pedestrian accessibility and vehicular mobility. The traffic calming measures shall be designed in accordance with the design criteria established by Lower Alsace Township, Mount Penn Borough and/or the Pennsylvania Department of Transportation Traffic Calming Handbook.
- (4) All permitted uses shall be designed to encourage and accommodate transportation and pedestrian traffic as well as to provide for safe and convenient modes for pedestrian movements to destination points within the Carsonia Avenue Overlay District.

(L) Off-Street Parking and Loading:

- (1) The total number of off-street parking and loading spaces for each use shall comply with the minimum requirements specified under this Joint Zoning Ordinance, but shall not exceed one hundred-ten (110) percent of the minimum requirements.
- (2) The areas designated for off-street parking and loading shall not be a dominant design feature of the building or streetscape. The proposed off-street parking spaces and loading spaces for all uses shall be located at least twenty (20) feet from the street right-of-way line and along the sides or rear of the principal building. Whenever the proposed off-street parking spaces and loading spaces interfere with the location of the required sidewalk system, such off-street parking and loading spaces shall be relocated.

- (3) The total number of off-street parking and loading spaces for each use may be reduced by up to thirty (30) percent of the minimum requirements specified under this Joint Zoning Ordinance, provided that the applicant demonstrates that common or shared off-street parking and loading spaces shall be capable of accommodating the peak demands for employees and patrons. The applicant shall provide documentation to support that the use can function with the reduced number of off-street parking and loading spaces.
- (4) The total number of off-street parking and loading spaces for each use may be reduced by an additional twenty (20) percent of the minimum requirements specified under this Joint Zoning Ordinance, provided that the applicant demonstrates that the employees and/or patrons will utilize public transportation services or other modes of transportation, which are not related to the use of automobiles. In all such cases, the applicant shall provide documentation to support that the use can function with the reduced off-street parking and loading space.
- (5) Off-premises parking at other facilities within one thousand (1,000) feet of the principal use may be permitted in order to satisfy the requirements for off-street parking spaces, provided that the applicant secures an agreement with the owner of the property, which will accommodate the additional demands for off-street parking. All proposed off-premises parking areas shall consider safety, accessibility and convenience for the pedestrians traveling between the points of destination within the Carsonia Avenue Overlay District.
- (6) The provisions involving the reduction of off-street parking and loading facilities, as specified under this section shall be considered by the municipality with jurisdiction as part of the land development plan application. The applicant shall demonstrate that the proposed use and site conditions shall satisfy the peak demands for the employees and patrons. The maximum reduction of off-street parking and loading spaces shall not exceed fifty (50) percent of the requirements specified by this Joint Zoning Ordinance.
- (7) In lieu of the off-street parking requirements, the governing body with jurisdiction may consider on-street parking. All available on-street parking spaces shall be located within five hundred (500) feet of the principal use. All on-street parking areas shall consider safety, accessibility and convenience for the pedestrians traveling between the points of destination within the Carsonia Avenue Overlay District.
- (8) Handicap or disability spaces shall be designed and constructed in accordance with all federal, state and local codes.
- (9) Porous paving shall be considered for the proposed off-street parking and loading spaces provided that: the design and paving composition complies with the provisions for stormwater management; that the soils and geological features have suitable characteristics for infiltration; that a maintenance program has been established with sufficient funds held in an escrow account; and that the structural integrity has not been compromised.
- (10) The use of curbing, bollards, segmental concrete wall blocks, landscaping blocks, concrete retaining walls and other durable materials shall be considered along the perimeter of the off-street parking and loading areas to protect trees, open space, surface water or other natural areas. Protective measures and/or a defined separation barrier shall be considered for pedestrian movements along sidewalks.
- (11) Bicycle racks and stands shall be located in a designated area along the sides or rear of the principal building and shall not interfere with pedestrian or vehicular movements.

(M) Curbs, Sidewalks and Crosswalks:

- (1) Curbs and sidewalks shall be designed and installed as an integrated network along public and private roads within the Carsonia Avenue Overlay District in order to accommodate pedestrian movements.
- (2) Decorative brick, concrete pavers or pavement treatments shall be considered as an integrated feature to the main entrance of the building, pedestrian access areas and public roads.

- (3) Protective measures and/or defined separation barriers shall be considered for pedestrian movements along sidewalks.
- (4) Raised crosswalks shall be provided to link the sidewalk system and to accommodate pedestrian movements. Decorative pavement treatments shall be considered to implement the community vision of the Carsonia Avenue Overlay District.
- (5) Curbs, sidewalks, handicapped ramps and crosswalks shall be designed and constructed in accordance with the Americans with Disabilities Act as well as other state and federal specifications.
- (6) All proposed sidewalks, curbs and crosswalks shall be designed and constructed in accordance with the provisions and specifications established by the Lower Alsace Township and/or Mount Penn Borough.

(N) **Landscaping and Exterior Lighting:**

- (1) Street trees, streetlights and other aesthetic landscaping improvements shall be incorporated into the streetscape design of the Carsonia Avenue Overlay District.
- (2) Unless otherwise directed by the municipality with jurisdiction, all proposed street trees shall not be located within the legal right-of-way or within the clear sight triangle involving a street intersection or access drive.
- (3) All developments shall include street trees, buffer yards and landscaping features that shall be integrated as part of overall site improvements in order to mitigate noise, light, odor and the visual appearance of paved surfaces. The use of existing mature trees (6 inches in caliper, as measured at breast height), berms, segmental concrete wall blocks, landscaping blocks, retaining walls and other durable materials may be considered and utilized as part of the landscaping improvements. The design of the landscaping improvements shall be subject to the approval of the municipality with jurisdiction.
- (4) Decorative streetlights shall be considered and strategically located at consistent intervals within the Carsonia Avenue Overlay District. All decorative streetlights and other sources of illumination shall be designed with a diffused light source in order to prevent glare or excess lighting produced within a visual field that is significantly greater than the light to which the human eye can readily adapt to without causing annoyance, discomfort or loss of visibility for any period of time.
- (5) No bare or direct light source shall be visible beyond the lot lines. The illumination from any light source originating on the site shall not exceed 0.5 foot candles at the lot line. Overhead light pollution or spillage caused by unshielded light sources shall not be permitted.
- (6) All streetlights and other sources of exterior illumination shall be designed as a full cutoff fixture, whereas, the light distribution pattern from the source results in no illumination projected at or above the horizontal plane at the bottom the light source or fixture.
- (7) Exterior or interior lighting shall not be utilized as a promotional devise to attract patrons or to serve as additional signage.
- (8) All off-street parking and loading areas shall be adequately illuminated with a lighting system designed to compliment the architecture of the buildings and streetscape characteristics.
- (9) Lighting fixtures attached to a free-standing pole or mounted to a building shall not exceed a height of twenty (20) feet, as measured from the average ground elevation within thirty (30) feet of the lighting fixture.
- (10) The required streetlights shall comply with the minimum requirements specified by Lower Alsace Township and/or Mount Penn Borough. As part of the subdivision or land development plan application, the size, type, spacing and location of the street lights shall be considered by the municipality with jurisdiction.

(O) **Signs:**

- (1) All proposed signs shall comply with the provisions of the Joint Zoning Ordinance. The total number and size of all signs shall be limited to avoid clutter and to serve the basic needs of the permitted use.
- (2) Off-site advertising signs and/or billboards shall be prohibited within the Carsonia Avenue Overlay District.
- (3) All permitted signs shall be professionally made and constructed out of durable material such as wood, metal or stone, which shall be considered as an enhanced feature of the use. The design, material, color, size, location and illumination of the sign shall be selected considering the architecture of the buildings and streetscape characteristics.
- (4) Buildings occupying two (2) or more uses or tenants shall utilize a single sign or compatible signs in terms of design, material, color, height, location and illumination.

(P) **Optional Design and Site Development Improvements:**

- (1) The design requirements and site development improvements specified for the Carsonia Avenue Overlay District are intended to provide general direction to all applicants seeking to subdivide, improve, develop and/or redevelop land within the Carsonia Avenue Overlay District.
- (2) The municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (3) As part of the application for each phase or stage of subdivision plan or land development plan, a detailed design plan shall be submitted by the applicant to illustrate the design of the streets, streetscape features, architecture, pedestrian and vehicular circulation, off-street parking and loading areas, landscaping and lighting, signs and other design considerations.
- (4) A declaration shall be submitted to the municipality with jurisdiction at the time of final plan submission, which shall be in a form deemed satisfactory to the solicitor appointed by municipality with jurisdiction. The declaration shall be subject to the approval of the municipality with jurisdiction.

(Q) **Phasing Plan:**

- (1) A plan shall be submitted to the municipality with jurisdiction depicting the proposed phasing plan of the total subdivision and/or land development plan over time.
- (2) Where a development within the Carsonia Avenue Overlay District is to be constructed in phases, the preliminary subdivision and/or land development plan shall include the entire area to be developed in all phases. In such case, the applicant shall provide a construction schedule for each phase. This schedule shall indicate the timing and sequence of construction for all infrastructure to be provided by the applicant, including but not necessarily limited to site improvements, traffic, sanitary sewage, water supply, vehicular circulation, stormwater management, landscaping, lighting, pedestrian accommodations, parking, loading, and any other on-site or off-site improvements that are required as a condition of approval. The proposed phasing plan and schedule shall be subject to the review and approval of the municipality with jurisdiction.
- (3) As part of the municipal approval process, the municipality with jurisdiction may consider a time extension agreement to secure the vested rights of the proposed subdivision and/or land development plan over period a period of ten (10) years in order to allow for the full build-out of the development in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The time extension agreement shall be subject to the review and approval of the municipality with jurisdiction.

Section 503: Floodplain Overlay District

- (A) The Floodplain Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and/or Mount Penn Borough. The purpose and objective of the Floodplain Overlay District is outlined as follows:
- (1) To promote the general health, welfare and/or safety of Lower Alsace Township, Mount Penn Borough and the communities that are located downstream of flood prone areas.
 - (2) To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - (3) To minimize danger to public health by protecting water supply and natural drainage.
 - (4) To reduce the financial burdens that may be imposed upon the community, municipality and other governmental agencies, by preventing excessive earth disturbance and land development activities within areas subject to flooding.
 - (5) To require all those uses, activities and development that do occur in flood-prone areas to be protected and or flood-proofed against flooding and flood damage.
 - (6) To comply with federal and state floodplain management requirements.
 - (7) To implement the recommendations concerning natural features, conservation management and land use, as endorsed by the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The Floodplain Overlay District shall include the land or water areas, which are inundated or contained within such flood-prone features including: the floodway; the floodway fringe; the 100-year floodplain; the special floodplain area and the general floodplain area. These flood-prone features are further defined by the Federal Emergency Management Agency and are regulated by the Lower Alsace Township Floodplain Ordinance and the Mount Penn Borough Floodplain Ordinance, as adopted, revised and/or amended by the Lower Alsace Township Board of Supervisors and Mount Penn Borough Council.
- (C) Pursuant to the provisions of Lower Alsace Township, Mount Penn Borough and the Federal Emergency Management Agency, the Lower Alsace Township Floodplain Ordinance and/or Mount Penn Borough Floodplain Ordinance may be updated, revised and amended from time to time.
- (D) The limits of the Floodplain Overlay District are identified in the most recent Flood Insurance Rate Study and Flood Insurance Rate Maps, as prepared and issued by the Federal Emergency Management Agency.
- (E) All uses, site improvements and development requirements shall conform to the provisions specified within the Lower Alsace Township Floodplain Ordinance and/or Mount Penn Borough Floodplain Ordinance. In addition to these provisions, the following requirements shall apply:
- (1) No subdivision or land development plan activities shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
 - (2) No new construction or land development activities shall be located within fifty (50) feet landward or upland from the top-of-bank of any perennial stream, unless otherwise approved by the municipality with jurisdiction and provided that all required permits have been issued by the appropriate state and federal agencies with jurisdiction.
 - (3) The lowest habitable space of any new structure must be positioned a minimum of two (2) feet above the one hundred (100) year base flood elevation.

- (4) On properties existing as of the adoption of this Joint Zoning Ordinance, which includes fifty (50) percent or less of the total tract area within the Floodplain Overlay District, no new principal or accessory buildings may be erected within the Flood Overlay District.
 - (5) Newly established units shall be accessible via individual driveways which are constructed not lower than one (1) foot below the one hundred (100) year base flood elevation.
 - (6) Newly established units shall be accessible via new public or private streets constructed not lower than the one hundred (100) year base flood elevation or via existing public streets.
 - (7) All proposed site improvements and construction activities within the Floodplain Overlay District shall adhere to the policies, recommendations and requirements of the Schuylkill River Watershed Act 167 Stormwater Management Plan and the Lower Alsace Township and/or Mount Penn Borough Stormwater Management Ordinance.
- (F) All other application procedures, administrative controls, technical provisions, permitted land uses, activities requiring special exceptions, existing or non-conforming provisions, variance procedures, and technical definitions involving the Floodplain Overlay District are specified within the Lower Alsace Township Floodplain Ordinance and/or the Mount Penn Borough Floodplain Ordinance.

Section 504: Historic Preservation Overlay District

- (A) **Purpose:** The Historic Overlay District shall be an overlay to the underlying zoning districts of Lower Alsace Township and Mount Penn Borough. The purpose of the Historic Overlay District is outlined as follows:
- (1) To provide the means that Lower Alsace Township and Mount Penn Borough can protect and preserve historic sites and structures.
 - (2) To initiate a process of public and technical review prior to the demolition or relocation of historic structures.
 - (3) To provide alternatives generally unavailable to uses other than historic sites as a means of encouraging their preservation and use.
 - (4) To implement the goals, objectives and recommendations of the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) **Application and Defined Terms:**
- (1) The provisions of the Historic Overlay District are intended to establish an overlay zone which is applicable to historical resources, buildings, structures and sites that are located within all zoning districts established by this Joint Zoning Ordinance. To the extent that the provisions of this section are more specific and shall supersede conflicting provisions within other provisions of this Joint Zoning Ordinance and all other ordinances of Lower Alsace Township and/or Mount Penn Borough. However, all other provisions of this Joint Zoning Ordinance and all other ordinances of Lower Alsace Township and/or Mount Penn Borough shall remain in full force.
 - (2) The provisions for the Historic Overlay District contain technical and reference terms that are further defined under Article 2 of this Joint Zoning Ordinance.
 - (3) The Historic Overlay District imposes a municipal review procedure for the proposed demolition or relocation of historic structures, subject to the provisions specified by this Joint Zoning Ordinance.
 - (4) The Historic Overlay District imposes a zoning permit or conditional use review procedure for the use, development and site improvements of historic sites, subject to conditional use approval in accordance with the provisions specified by this Joint Zoning Ordinance.

(C) **Historic Resources, Sites, Buildings and Structures:** For the purposes of this Joint Zoning Ordinance, the following terms are hereby described and defined:

- (1) The terms “historic resource”, “historic site”, historic building” and/or “historic structure” shall include a place, building, structure or site, whereas because of its’ local, state or national significance is considered as a part of the historic character of the community.
- (2) The terms “historic resource”, “historic site”, “historic building” or "historic structure" shall include the following:
 - (a) Listed individually in the National Register of Historic Places or preliminarily determined by the United States Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the United States Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed with the Pennsylvania Historical and Museum Commission's Inventory of Historic Places;
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Pennsylvania Historical and Museum Commission;
 - (e) As identified within the Joint Comprehensive Plan; and/or
 - (f) As referenced within a planning document, manual, or publication that has been adopted by Lower Alsace Township and/or Mount Penn Borough.
- (3) The terms utilized and contained as part of the Historic Overlay District shall be subject to the interpretation of the Zoning Officer with municipal jurisdiction.

(D) **Demolition or Relocation of an Historic Structure:**

- (1) No historic structure shall be demolished or relocated until the applicant has obtained a zoning permit has been issued for such demolition or relocation.
- (2) Prior to the issuance of a zoning permit to demolish or relocate an historic structure, the applicant shall be required to meet with the local, state and/or federal agencies to gain their ideas about potential historic preservation options for the building or structure. No zoning permit for the demolition or relocation of an historic structure shall be issued unless the applicant meets with the Planning Commission with municipal jurisdiction and a historic preservation agency specified by the municipality with jurisdiction. If available, the applicant shall be required to produce the available following materials:
 - (a) Historic deeds, surveys and site plans of the subject property;
 - (b) Current and historic photos of the property; and
 - (c) A description of the specific reasons why the historic structure cannot accommodate a permitted use and the demolition or removal is warranted.
- (3) The applicant shall notify the municipality with jurisdiction of the time and place of the meeting with the designated historic preservation agency. Following such meeting, the applicant shall provide the municipality with jurisdiction with a letter of its findings, conclusions and recommendations of the designated historic preservation agency.

- (4) As part of the zoning permit application, the applicant shall be required to submit all documentation to the municipality with jurisdiction for review and consideration. If the zoning permit is approved by the municipality with jurisdiction, the applicant may apply for other permits that may be required for the demolition of the building or structure. The municipality with jurisdiction shall have sixty (60) days to issue or deny a zoning permit application for the demolition or relocation of an historic structure.

(E) **Permitted Uses of an Historic Site:**

- (1) Notwithstanding the uses permitted by right, special exception and/or conditional use within each respective underlying zoning district listed within this Joint Zoning Ordinance, an historic site may be adapted for any use listed under Section 504.E.3 of this Joint Zoning Ordinance. Such adaptive reuse shall be permitted by conditional use, subject to the provisions specified by this Joint Zoning Ordinance.
- (2) Approval of the adaptive use of an historic site is hereby conditioned upon the ongoing status of the use as an "historic site" as defined herein. If upon the receiving a recommendation for the Planning Commission and/or other agency designated by the municipality with jurisdiction, that the subject property no longer qualifies for designation as an "historic site", the permitted use of the historic structure will not be allowed.
- (a) The proposed use will enable the preservation, restoration or rehabilitation of the historic site. The applicant is required to submit expert evidence that any alterations, improvements, extensions, additions or other modifications to the historic site will be accomplished in a manner that does not jeopardize the historic status of the site and/or its structures.
- (b) Any use permitted under Section 504.E.3 of this Joint Zoning Ordinance shall comply with the area, bulk and dimensional requirements of the most compatible underlying zoning district in which the use is permitted as a matter of right.
- (3) The following uses of a historical site shall be permitted by conditional use, subject to the specific criteria specified under Sections 502 and 1108 of this Joint Zoning Ordinance and any other regulations listed with the following respective uses:
- (a) Adaptive Reuse and Redevelopment, subject to Section 602 of this Joint Zoning Ordinance.
- (b) Bed and Breakfast Establishment, subject to Section 607 of this Joint Zoning Ordinance.
- (c) Business, Professional or Governmental Office, subject to Section 608 of this Joint Zoning Ordinance.
- (d) Commercial Day Care Facility, subject to Section 613.2 of this Joint Zoning Ordinance.
- (e) Library, subject to Section 630 of this Joint Zoning Ordinance.
- (f) Medical, Dental Vision, Counseling and Health Care Services, subject to Section 633 of this Joint Zoning Ordinance.
- (g) Mixed-Use Commercial and Residential Uses, subject to Section 634 of this Joint Zoning Ordinance.
- (h) Museum, subject to Section 637 of this Joint Zoning Ordinance.
- (i) Personal Service Facility, subject to Section 640 of this Joint Zoning Ordinance.
- (j) Places of Worship, subject to Section 641 of this Joint Zoning Ordinance.
- (k) Restaurants, Cafes and Taverns, subject to Section 648 of this Joint Zoning Ordinance.
- (l) Retail Business Use, subject to Section 649 of this Joint Zoning Ordinance.

- (m) Other uses that are compatible with the surrounding area, to enable the preservation, restoration or rehabilitation of that property, as determined acceptable by the municipality with jurisdiction as part of the conditional use application. Or zoning permit application.
- (n) Accessory uses, buildings and structures that are customarily incidental to the above principal uses subject to the applicable regulations listed with each respective principal use. Accessory buildings and structures uses shall not require conditional use approval, but shall be subject to the requirements of a zoning permit.
- (4) As part of the conditional use application, the applicant shall provide evidence that the adaptive use, reuse or redevelopment efforts will not be detrimental to the historic value of the property.
- (5) If the conditional use application is approved, a land development plan may be required by the municipality with jurisdiction.

Section 505: Perkiomen Avenue Overlay District

- (A) **Purpose:** The Perkiomen Avenue Overlay District shall be a special overlay to the underlying zoning districts within Mount Penn Borough. The purpose of the Perkiomen Avenue Overlay District are outlined as follows:
 - (1) To improve the aesthetics, architectural appearance, commercial centers, and streetscape design within a defined corridor of Mount Penn Borough.
 - (2) To require uniform streetscape improvements and site enhancement measures such as street trees, streetlights, curbing, sidewalks, pedestrian crosswalks, architecture, controlled signage, traffic calming measures and gateway planning, which reflect the overall community vision.
 - (3) To improve the modes of transportation by enabling automobile, pedestrian and bicycle traffic to coexist in a planned and harmonious community.
 - (4) To retain and expand existing businesses to preserve a sound tax base and provide employment opportunities.
 - (5) To encourage adaptive reuse and redevelopment opportunities.
 - (6) To provide incentive-minded parameters to attract or expand desirable uses.
 - (7) To implement the recommendations for land use planning, economic development and transportation, which are contained within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough
- (B) **Proximity:** The Perkiomen Avenue Overlay District has been depicted on an insert map, which has been included within Appendix D of this Joint Zoning Ordinance.
- (C) **Application:** Subdivision and land development activity within the Perkiomen Avenue Overlay District shall be designed in accordance with the following application requirements:
 - (1) Applications involving a minor subdivision or minor land development may utilize the lot area and dimensional requirements specified by the underlying zoning district, provided that compliance can not be achieved with the provisions of the Perkiomen Avenue Overlay District. Where feasible, all such applications shall be designed in accordance the land use, planning, engineering, architectural and development provisions that are specified for the Perkiomen Avenue Overlay District.
 - (2) Applications involving a major subdivision or major land development shall utilize the lot area and dimensional requirements that are specified for the Perkiomen Avenue Overlay District. All such applications shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified for the Perkiomen Avenue Overlay District.

- (3) Mount Penn Borough may permit the land uses that are permitted within the underlying zoning district as a conventional development. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district and the Perkiomen Avenue Overlay District. Should a conflict exist, the provisions of the underlying zoning district shall apply.

(D) **Uses by Right:** The following principal and accessory uses shall be permitted by right within the Perkiomen Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:

- (1) Principal and accessory uses permitted by right within the underlying zoning district shall be permitted by right within the Perkiomen Avenue Overlay District. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district
- (2) Banks and Financial Institutions, subject to Section 606 of this Joint Zoning Ordinance.
- (3) Business, Professional or Governmental Office containing less than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
- (4) Library, subject to Section 630 of this Joint Zoning Ordinance.
- (5) Medical, Dental, Vision, Counseling and Health Care Providers, subject to Section 633 of this Joint Zoning Ordinance.
- (6) Mixed Use Commercial and Residential Developments, subject to Section 634 of this Joint Zoning Ordinance.
- (7) Museum, subject to Section 637 of this Joint Zoning Ordinance.
- (8) Recreation Facilities and Uses as an accessory indoor use, subject to Section 644 of this Joint Zoning Ordinance.
- (9) Recreation Facilities and Uses designated as a commercial recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
- (10) Restaurant, Café or Tavern, subject to Section 648 of this Joint Zoning Ordinance.
- (11) Retail Business Use containing less than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.

(E) **Uses by Special Exception:** The following principal and accessory uses shall be permitted by special exception within the Perkiomen Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:

- (1) Bed and Breakfast Establishment, subject to Section 607 of this Joint Zoning Ordinance.
- (2) Funeral Home, subject to Section 617 of this Joint Zoning Ordinance.
- (3) Garage Parking Facility, subject to Section 618 of this Joint Zoning Ordinance.
- (4) Personal Service Facility, subject to Section 640 of this Joint Zoning Ordinance.
- (5) Printing and Publishing Facility, subject to the provisions of Section 642 of this Joint Zoning Ordinance.
- (6) Recreation Facilities and Uses as an accessory outdoor use, subject to Section 644 of this Joint Zoning Ordinance.

- (7) Recreation Facilities and Uses designated as a commercial recreation outdoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
 - (8) Theater, subject to Section 657 of this Zoning Ordinance.
- (F) **Uses by Conditional Use:** The following principal and accessory uses shall be permitted by conditional use within the Perkiomen Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:
- (1) Adaptive Reuse and Redevelopment, subject to Section 602 of this Joint Zoning Ordinance.
 - (2) Business, Professional or Governmental Office containing more than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
 - (3) Club, Lodge or Social Quarters, subject to Section 610 of this Zoning Ordinance.
 - (4) Hospital and Medical Centers, subject to Section 625 of this Joint Zoning Ordinance.
 - (5) Hotels and Motels, subject to Section 626 of this Joint Zoning Ordinance.
 - (6) Retail Business Use containing more than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
- (G) **Dimensional Requirements:** The following minimum and maximum dimensional requirements shall be applied to all lots, which are intended to be designed and occupied by permitted uses of the Perkiomen Avenue Overlay District:
- (1) The following minimum lot area requirements shall apply to the permitted uses within the Perkiomen Avenue Overlay District:
 - (a) A minimum lot area of 5,000 square feet shall be required for all uses permitted by right within the Perkiomen Avenue Overlay District provided that the use and development complies with the provisions specified for the Perkiomen Avenue Overlay District.
 - (b) A minimum of 10,000 square feet shall be required for all uses permitted by special exception and conditional use within the Perkiomen Avenue Overlay District provided that the use and development complies with the provisions specified for the Perkiomen Avenue Overlay District.
 - (c) A reduced lot size may be permitted by Mount Penn Borough, provided that the lot area complies with the minimum and maximum dimensional requirements for the use, as specified by the underlying zoning district.
 - (d) All accessory uses shall be located on a conforming lot.
 - (2) The minimum lot width shall be fifty (50) feet per lot.
 - (3) The front yard setback shall be at least ten (10) feet, as measured from the legal right-of-way line.
 - (4) The side yard setback requirements shall be as follows:
 - (a) The side yard setback shall be six (6) feet for a lot adjacent to a non-residential use without a common wall.
 - (b) There shall be no side yard setback requirement for non-residential uses that exist or proposed with common walls.
 - (c) The side yard setback shall be ten (10) feet for a lot adjacent to a residential use.

- (5) The rear yard setback shall be ten (10) feet.
- (6) The maximum height of the buildings shall be fifty (50) feet.
- (7) The maximum building coverage shall be sixty (60) percent of the lot area.
- (8) The maximum lot coverage shall be eight (80) percent of the lot area.

(H) **Land Use and Development Requirements:** The permitted uses within the Perkiomen Avenue Overlay District shall comply with the following land use and development criteria:

- (1) All subdivision and land development activity shall consider the goals, objectives, and policies established within the Joint Comprehensive Plan for Lower Alsace and Mount Penn Borough.
- (2) All permitted uses shall be served by public sanitary sewer disposal facilities.
- (3) All permitted uses shall be served by public water supply facilities.
- (4) Applications involving a minor subdivision or minor land development shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified under Sections 505.H through 505.O of this Joint Zoning Ordinance.
- (5) Applications involving a major subdivision or major land development shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified under Section 505.H through 505.O of this Joint Zoning Ordinance.
- (6) The governing body of the municipality with jurisdiction shall determine how the application requirements referenced in Section 505.H.4 and 505.H.5 shall be applied after a recommendation is provided by the Planning Commission, Engineer and Zoning Officer.
- (7) The provisions for optional design and site development alternatives are specified under Section 505.P of this Joint Zoning Ordinance.
- (8) All subdivision and land development activity should be designed to integrate with existing amenities within the Perkiomen Avenue Overlay District to the maximum extent possible, so that the architectural characteristics, streetscape and landscape features are designed and improved as a unified development.

(I) **Architectural Design Criteria:**

- (1) Buildings and structures shall be designed to enhance the existing architectural and streetscape characteristics in accordance with the design requirements specified under Section 505 of this Joint Zoning Ordinance.
- (2) The front facade of the building shall be orientated towards the street with the highest functional classification in terms of vehicular and pedestrian traffic volumes.
- (3) All sides of a building shall be architecturally consistent with the front facade and facades visible from the street line. Modifications may be considered to the facade in order to accommodate the design requirements of the Perkiomen Avenue Overlay District.
- (4) Buildings, structures, landscaping and streetscape improvements shall be designed in an effort to and integrate, reflect and/or enhance the visual appearance of the Perkiomen Avenue Overlay District. The applicant shall attempt to integrate a building design concept that is general consistent with the architectural characteristics of the Perkiomen Avenue Overlay District.
- (5) Buildings, structures and site improvements shall be located in a manner to mitigate visual, noise and traffic impacts with existing residential uses that are within residential zoning districts.

- (6) The shape of an opening, its proportion relative to the size of the building, how it functions, how it is divided, and the rhythm of openings within a structure must be specific to the building style and consistent with the design theme and architectural style.
- (7) Architectural relief and features shall be incorporated into the building design in accordance with the provisions specified by Section 705 of the Joint Zoning Ordinance.
- (8) The color, brightness and appearance of the exterior walls of the principal buildings and accessory structures shall be compatible with the design theme and architectural style. The selected color shall have a low reflectance level and the trim colors shall complement the color of the exterior walls.
- (9) Alternative building setback and orientation requirements may be considered, provided that the applicant can demonstrate the following: that the design of the building meets the objectives of the Perkiomen Avenue Overlay District; that any reduction of the building setback requirements has been approved by the adjoining land owners; and that the design shall not disrupt any common facilities or utilities.
- (10) When buildings are to be located on a corner of intersecting streets, the entrance of the building shall be located on the corner with an enhance element or feature, which is consistent with the design theme and architectural style.
- (11) All proposed buildings shall be a minimum of two (2) stories in height on corner lots to anchor the corner and help to define the streetscape.
- (12) The street-side facade of buildings shall be designed with decorative windows, which is consistent with the design theme and architectural style.
- (13) No more than four (4) adjoining buildings shall have the same building height so as to create visual interest. Building heights shall vary by at least four (4) feet to provide visual interest. Where necessary, the maximum building height may be increased by five (5) feet over the specified height requirement in order to achieve this architectural design requirement.
- (14) Rooflines shall not appear flat when viewed from public streets. All roof-mounted equipment including HVAC, electrical, venting or other mechanical equipment shall be contained or concealed as part of the architectural design.

(J) Street and Streetscape Design:

- (1) The existing streetscape network within the Perkiomen Avenue Overlay District shall be considered a vital design feature to successfully implementing land use compatibility. Unless otherwise permitted by the municipality with jurisdiction, all points of vehicular ingress and egress for a permitted use shall be located along Perkiomen Avenue.
- (2) All proposed streets and access lanes shall comply with the provisions specified by the Subdivision and Land Development Ordinance.
- (3) Special attention to the gateways and main entrance(s) along Perkiomen Avenue shall be provided. The use of streetscape improvements, low-impact lighting, banners, welcome signs, water features and/or landscaping enhancements shall be provided and considered as a prominent feature for all uses and developments within the Perkiomen Avenue Overlay District.
- (4) Provisions for street furniture, including public benches, tables, clocks and waste receptacles shall be considered as part of the land development plan. All such street furniture shall be privately owned and maintained. The type and location of the proposed street furniture shall be subject to the approval of the municipality with jurisdiction.

- (5) Provisions for public transportation facilities, including bus stops, bus shelters, taxi stands, park and ride facilities, and other similar features shall be considered as part of the land development plan. The location of any public transportation facilities shall be subject to the approval of the municipality with jurisdiction.
- (6) Unless otherwise directed by the utility company providing service, all proposed utilities shall be installed underground and within a utility easement or right-of-way.

(K) Pedestrian and Vehicular Circulation:

- (1) All transportation and pedestrian improvements shall be designed considering all transportation studies and/or streetscape improvement plans.
- (2) New curb cuts shall be minimized in order to reduce traffic conflicts and vehicular congestion. Where appropriate, shared or common access drives shall be utilized to minimize curb cuts. Shared or common access drives shall be designed to have a definitive point of ingress and egress with sufficient area to accommodate the permitted turning movements.
- (3) Traffic calming measures, including speed control, volume control, road alignments and traffic management techniques shall be considered as part of the land development plan application in order to improve safety, pedestrian accessibility and vehicular mobility. The traffic calming measures shall be designed in accordance with the design criteria established by Lower Alsace Township, Mount Penn Borough and/or the Pennsylvania Department of Transportation Traffic Calming Handbook.
- (4) All permitted uses shall be designed to encourage and accommodate transportation and pedestrian traffic as well as to provide for safe and convenient modes for pedestrian movements to destination points within the Perkiomen Avenue Overlay District.

(L) Off-Street Parking and Loading:

- (1) The total number of off-street parking and loading spaces for each use shall comply with the minimum requirements specified under this Joint Zoning Ordinance, but shall not exceed one hundred-ten (110) percent of the minimum requirements.
- (2) The areas designated for off-street parking and loading shall not be a dominant design feature of the building or streetscape. The proposed off-street parking spaces and loading spaces for all uses shall be located along the sides or rear of the principal building. The off-street parking spaces and loading spaces shall not interfere with vehicular and pedestrian movements.
- (3) The total number of required parking and loading spaces for each use may be reduced up to fifty (50) percent of the minimum requirements specified under this Joint Zoning Ordinance, provided that the applicant demonstrates that common or shared off-street parking and loading spaces shall be capable of accommodating the peak demands for employees and patrons. In all such cases, the applicant shall provide documentation to support that the use can function with the reduced number of parking and loading spaces.
- (4) The total number of required parking and loading spaces for each use may be reduced by an additional twenty (20) percent of the minimum requirements specified under this Joint Zoning Ordinance, provided that the applicant demonstrates that the employees and/or patrons will utilize public transportation services or other modes of transportation, which are not related to the use of automobiles. The applicant shall provide documentation to support that the use can function with the reduced off-street parking and loading space.
- (5) Off-premises parking at other facilities within one thousand (1,000) feet of the principal use may be permitted in order to satisfy the requirements for off-street parking spaces, provided that the applicant secures an agreement with the owner of the property, which will accommodate the additional demands for off-street parking. All proposed off-premises parking areas shall consider safety, accessibility and convenience for the pedestrians traveling between the points of destination within the Perkiomen Avenue Overlay District.

- (6) The provisions involving the reduction of off-street parking and loading facilities, as specified under this section shall be considered by the municipality with jurisdiction as part of the land development plan application. The applicant shall demonstrate that the proposed use and site conditions shall satisfy the peak demands for the employees and patrons. The maximum reduction of required parking and loading spaces shall not exceed seventy (70) percent of the requirements specified by this Joint Zoning Ordinance.
- (7) In lieu of the off-street parking requirements, the governing body with jurisdiction may consider on-street parking. All available on-street parking spaces shall be located within five hundred (500) feet of the principal use. All on-street parking areas shall consider safety, accessibility and convenience for the pedestrians traveling between the points of destination within the Perkiomen Avenue Overlay District.
- (8) Handicap or disability spaces shall be designed and constructed in accordance with all federal, state and local codes.
- (9) Porous paving shall be considered for the proposed off-street parking and loading spaces provided that: the design and paving composition complies with the provisions for stormwater management; that the soils and geological features have suitable characteristics for infiltration; that a maintenance program has been established with sufficient funds held in an escrow account; and that the structural integrity has not been compromised.
- (10) The use of curbing, bollards, segmental concrete wall blocks, landscaping blocks, concrete retaining walls and other durable materials shall be considered along the perimeter of the off-street parking and loading areas to protect trees, open space, surface water or other natural areas. Protective measures and/or a defined separation barrier shall be considered for pedestrian movements along sidewalks.
- (11) Bicycle racks and stands shall be located in a designated area along the sides or rear of the principal building and shall not interfere with pedestrian or vehicular movements.

(M) Curbs, Sidewalks and Crosswalks:

- (1) Curbs and sidewalks shall be designed and installed as an integrated network along public and private roads within the Perkiomen Avenue Overlay District in order to accommodate pedestrian movements.
- (2) Decorative brick, concrete pavers or pavement treatments shall be considered as an integrated feature to the main entrance of the building, pedestrian access areas and public roads.
- (3) Protective measures and/or defined separation barriers shall be considered for pedestrian movements along sidewalks.
- (4) Raised crosswalks shall be provided to link the sidewalk system and to accommodate pedestrian movements. Decorative pavement treatments shall be considered to implement the community vision of the Perkiomen Avenue Overlay District.
- (5) Curbs, sidewalks, handicapped ramps and crosswalks shall be designed and constructed in accordance with the Americans with Disabilities Act as well as other state and federal specifications.
- (6) All proposed sidewalks, curbs and crosswalks shall be designed and constructed in accordance with the provisions and specifications established by the Lower Alsace Township and/or Mount Penn Borough.

(N) Landscaping and Exterior Lighting:

- (1) Street trees, streetlights and other aesthetic landscaping improvements shall be incorporated into the streetscape design of the Perkiomen Avenue Overlay District.
- (2) Unless otherwise directed by the municipality with jurisdiction, all proposed street trees shall not be located within the legal right-of-way or within the clear sight triangle involving a street intersection or access drive.

- (3) All developments shall include street trees, buffer yards and landscaping features that shall be integrated as part of overall site improvements in order to mitigate noise, light, odor and the visual appearance of paved surfaces. The use of existing mature trees (6 inches in caliper, as measured at breast height), berms, segmental concrete wall blocks, landscaping blocks, retaining walls and other durable materials may be considered and utilized as part of the landscaping improvements. The design of the landscaping improvements shall be subject to the approval of the municipality with jurisdiction.
- (4) Decorative streetlights shall be considered and strategically located at consistent intervals within the Perkiomen Avenue Overlay District. All decorative streetlights and other sources of illumination shall be designed with a diffused light source in order to prevent glare or excess lighting produced within a visual field that is significantly greater than the light to which the human eye can readily adapt to without causing annoyance, discomfort or loss of visibility for any period of time.
- (5) No bare or direct light source shall be visible beyond the lot lines. The illumination from any light source originating on the site shall not exceed 0.5 foot candles at the lot line. Overhead light pollution or spillage caused by unshielded light sources shall not be permitted.
- (6) All streetlights and other sources of exterior illumination shall be designed as a full cutoff fixture, whereas, the light distribution pattern from the source results in no illumination projected at or above the horizontal plane at the bottom the light source or fixture.
- (7) Exterior or interior lighting shall not be utilized as a promotional devise to attract patrons or to serve as additional signage.
- (8) All off-street parking and loading areas shall be adequately illuminated with a lighting system designed to compliment the architecture of the buildings and streetscape characteristics.
- (9) Lighting fixtures attached to a free-standing pole or mounted to a building shall not exceed a height of twenty (20) feet, as measured from the average ground elevation within thirty (30) feet of the lighting fixture.
- (10) The required streetlights shall comply with the minimum requirements specified by Lower Alsace Township and/or Mount Penn Borough. As part of the subdivision or land development plan application, the size, type, spacing and location of the street lights shall be considered by the municipality with jurisdiction.

(O) Signs:

- (1) All proposed signs shall comply with the provisions of the Joint Zoning Ordinance. The total number and size of all signs shall be limited to avoid clutter and to serve the basic needs of the permitted use.
- (2) Off-site advertising signs and/or billboards shall be prohibited within the Perkiomen Avenue Overlay District.
- (3) All permitted signs shall be professionally made and constructed out of durable material such as wood, metal or stone. The design, material, color, size, location and illumination of the sign shall be selected considering the architecture of the buildings and streetscape characteristics.
- (4) Buildings occupying two (2) or more uses or tenants shall utilize a single sign or compatible signs in terms of design, material, color, height, location and illumination.

(P) Optional Design and Site Development Improvements:

- (1) The design requirements and site development improvements specified for the Perkiomen Avenue Overlay District are intended to provide general direction to all applicants seeking to subdivide, improve, develop and/or redevelop land within the Perkiomen Avenue Overlay District.
- (2) The municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

- (3) As part of the application for each phase or stage of subdivision plan or land development plan, a detailed design plan shall be submitted by the applicant to illustrate the design of the streets, streetscape features, architecture, pedestrian and vehicular circulation, off-street parking and loading areas, landscaping and lighting, signs and other design considerations.
- (4) A declaration shall be submitted to the municipality with jurisdiction at the time of final plan submission, which shall be in a form deemed satisfactory to the solicitor appointed by municipality with jurisdiction. The declaration shall be subject to the approval of the municipality with jurisdiction.

(Q) Phasing Plan:

- (1) A plan shall be submitted to the municipality with jurisdiction depicting the proposed phasing plan of the total subdivision and/or land development plan over time.
- (2) Where a development within the Perkiomen Avenue Overlay District is to be constructed in phases, the preliminary subdivision and/or land development plan shall include the entire area to be developed in all phases. In such case, the applicant shall provide a construction schedule for each phase. This schedule shall indicate the timing and sequence of construction for all infrastructure to be provided by the applicant, including but not necessarily limited to site improvements, traffic, sanitary sewage, water supply, vehicular circulation, stormwater management, landscaping, lighting, pedestrian accommodations, parking, loading, and any other on-site or off-site improvements that are required as a condition of approval. The proposed phasing plan and schedule shall be subject to the review and approval of the municipality with jurisdiction.
- (3) As part of the municipal approval process, the municipality with jurisdiction may consider a time extension agreement to secure the vested rights of the proposed subdivision and/or land development plan over period a period of ten (10) years in order to allow for the full build-out of the development in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The time extension agreement shall be subject to the review and approval of the municipality with jurisdiction.

Section 506: Riparian Buffer Overlay District

- (A) The Riparian Buffer Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and/or Mount Penn Borough. The purpose and objective of the Riparian Buffer Overlay District is outlined as follows:
 - (1) To sustain a high quality natural resource system and to protect the water quality and the natural diversity of ecosystems.
 - (2) To provide biodiversity corridors enabling wildlife to inhabit, prosper, migrate, breed and feed within close proximity to surface water features.
 - (3) To develop a protective zone to serve as a natural filter in the removal of pollutants such as bacteria, nutrients and sediment from surface water.
 - (4) To implement an effective hydrological and stormwater management program that adequately addresses surface drainage, groundwater recharge and soil erosion control measures
 - (5) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The Riparian Buffer Overlay District shall apply to all perennial stream corridors within Lower Alsace Township and/or Mount Penn Borough. The following provisions shall apply:
 - (1) The limits of the Riparian Buffer Overlay District shall be recognized as a conservation overlay as part of the Joint Zoning Ordinance. The design standards and specifications for the Riparian Buffer Overlay District are specified within the Subdivision and Land Development Ordinance of the municipality with jurisdiction.

- (2) Properties located along or adjacent to a perennial stream corridor, which are not subject to subdivision and land development activity shall be subject to an education and volunteer effort, whereas, the landowner may implement the design standards contained within the Lower Alsace Township and/or Mount Penn Borough Subdivision and Land Development Ordinance. All such efforts may be coordinated with local, county, state or federal agencies, provided that such effort enhances, restores, stabilizes and/or maintains the integrity of native woodland and vegetation within the of the Riparian Buffer Overlay.
- (3) Properties located along or adjacent to a perennial stream corridor, which are subject to subdivision and land development activity shall be subject to a mandatory effort, whereas, the landowner or developer shall be required to implement the design standards specified under Sections 512, 513 and 514 of the Subdivision and Land Development Ordinance. All such efforts may be coordinated with local, county, state or federal agencies, provided that such effort enhances, restores, stabilizes and/or maintains the integrity of native woodland and vegetation within the of the Riparian Buffer Overlay.
- (4) All land uses and site improvements should be located, designed and conducted in a manner that meets the design standards specified under Sections 512, 513 and 514 of the Subdivision and Land Development Ordinance. Where appropriate, Lower Alsace Township and/or Mount Penn Borough may consider design waivers or modifications in accordance with the provisions of the Subdivision and Land Development Ordinance.
- (5) Volunteer and mandatory efforts should be coordinated with the Berks County Conservation District to determine if the selected landscape materials will implement the overall purpose and objective of the Riparian Buffer Overlay District.

Section 507: Spook Lane Overlay District

- (A) **Purpose:** The Spook Lane Overlay District shall be a special overlay to the underlying zoning districts within Lower Alsace Township and/or Mount Penn Borough. The purpose of the Spook Lane Overlay District are outlined as follows:
 - (1) To provide high-profile commercial and entertainment uses within a rural atmosphere.
 - (2) To retain and expand existing businesses to preserve a sound tax base and provide employment opportunities.
 - (3) To encourage adaptive reuse and redevelopment opportunities.
 - (4) To provide incentive-minded parameters to attract or expand desirable uses.
 - (5) To implement the recommendations for land use planning and economic development, which are contained within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough
- (B) **Proximity:** The Spook Lane Overlay District has been depicted on an insert map, which has been included within Appendix C of this Joint Zoning Ordinance.
- (C) **Application:** Subdivision and land development activity within the Spook Lane Overlay District shall be designed in accordance with the following application requirements:
 - (1) Applications involving a minor subdivision or minor land development may utilize the lot area and dimensional requirements specified by the underlying zoning district, provided that compliance can not be achieved with the provisions of the Spook Lane Overlay District. Where feasible, all such applications shall be designed in accordance the land use, planning, engineering, architectural and development provisions that are specified for the Spook Lane Overlay District.
 - (2) Applications involving a major subdivision or major land development shall utilize the lot area and dimensional requirements that are specified for the Spook Lane Overlay District. All such applications shall

be designed in accordance the land use, planning, engineering, architectural and development provisions that are specified for the Spook Lane Overlay District.

- (3) Lower Alsace Township may permit the land uses that are permitted within the underlying zoning district as a conventional development. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district and the Spook Lane Overlay District. Should a conflict exist, the provisions of the underlying zoning district shall apply.

- (D) **Uses by Right:** The following principal and accessory uses shall be permitted by right within the Spook Lane Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:

- (1) Principal and accessory uses permitted by right within the underlying zoning district shall be permitted by right within the Spook Lane Overlay District.
- (2) Health Club and/or Fitness Center as an accessory use to a permitted principal use, subject to Section 621 of this Joint Zoning Ordinance.
- (3) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
- (4) Recreation Facilities and Uses designated as a commercial recreation indoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.

- (E) **Uses by Special Exception:** The following principal and accessory uses shall be permitted by special exception within the Spook Lane Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:

- (1) Bed and Breakfast Establishment, subject to the provisions specified under Section 607 of this Joint Zoning Ordinance.
- (2) Recreation Facilities and Uses as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
- (3) Recreation Facilities and Uses designated as a commercial recreation outdoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.

- (F) **Uses by Conditional Use:** The following principal and accessory uses shall be permitted by conditional use within the Spook Lane Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance

- (1) Adaptive Reuse and Redevelopment, subject to Section 602 of this Joint Zoning Ordinance.
- (2) Age-Qualified Retirement Community containing townhouse units as the principal use with accessory recreational and residential uses, subject to Section 603 of this Joint Zoning Ordinance.
- (3) Club, Lodge or Social Quarters, subject to Section 610 of this Joint Zoning Ordinance.
- (4) Hotels and Motels, subject to Section 626 of this Joint Zoning Ordinance.
- (5) Restaurants, Clubs and Taverns, subject to the provisions specified under Section 648 of this Joint Zoning Ordinance.

- (G) **Dimensional Requirements:** The following minimum and maximum dimensional requirements shall be applied to all lots, which are intended to be designed and occupied by permitted uses of the Spook Lane Overlay District:

- (1) The following minimum lot area requirements shall apply to the permitted uses within the Spook Lane Overlay District:
 - (a) A minimum of ten (10) gross acres of contiguous land area shall be required for a hotel or motel use within the Spook Lane Overlay District.
 - (b) A minimum of five (5) gross acres of contiguous land area shall be required for all other permitted principal uses within the Spook Lane Overlay District.
 - (c) A combination of principal and/or accessory uses may be permitted on a conforming lot provided that the uses are planned, designed and constructed on a conforming lot that meets the purpose of the Spook Lane Overlay District.
 - (d) All permitted accessory uses shall be located on a conforming lot.
 - (2) The minimum lot width shall be two hundred (200) feet per lot, which may be established on a public or private road.
 - (3) The front yard setback shall be at least fifty (50) feet, as measured from the legal right-of-way line.
 - (4) The side yard setback shall be fifty (50) feet.
 - (5) The rear yard setback shall be fifty feet (50) feet.
 - (6) A one hundred (100) foot setback shall be established from an adjacent lot occupied by a residential use.
 - (7) The maximum height of the buildings shall be fifty (50) feet.
 - (8) Taller buildings or structures are permitted, provided that an additional setback of two (2) feet is provided for every one (1) foot of height in excess of fifty (50) feet up to a maximum height of sixty (60) feet. All such buildings or structures shall only be permitted by conditional use
 - (9) The maximum building coverage shall be thirty (30) percent of the lot area.
 - (10) The maximum lot coverage shall be fifty (50) percent of the lot area.
- (H) **Land Use and Development Requirements:** The permitted uses within the Spook Lane Overlay District shall comply with the following land use and development criteria:
- (1) All subdivision and land development activity shall consider the goals, objectives, and policies established within the Joint Comprehensive Plan for Lower Alsace and Mount Penn Borough.
 - (2) All permitted uses shall be serviced by public sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) The permitted uses shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (4) All subdivision and land development activity should be designed to integrate with existing amenities within the Spook Lane Overlay District to the maximum extent possible, so that the architectural characteristics, streetscape and landscape features are designed and improved as a high-quality development.

Section 508: Steep Slope Overlay District

- (A) The Steep Slope Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and Mount Penn Borough. The purpose and objective of the Steep Slope Overlay District is outlined as follows:
- (1) To protect certain land areas classified as “steep slopes” from inappropriate subdivision and land development activity, which could result in accelerated erosion, slope stability, increased volume and velocity of stormwater, and degradation of surface waters.
 - (2) To permit only those uses of steep slopes, which are compatible with the conservation of the natural conditions, habitats and environment by maintaining existing topographical conditions and minimizing earth disturbance activities.
 - (3) To encourage the utilization of appropriate construction and land development practices.
 - (4) To direct growth, development and revitalization efforts by considering environmentally sensitive land areas.
 - (5) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The Steep Slope Overlay District shall include the following three (3) slope categories:
- (1) **Category 1 Slopes:** All land areas in which the topographical conditions have a range of slope between 10 and 20 percent in slope in pre-development conditions, whereas the vertical elevation changes between 10 and 20 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category or any greater category prevail.
 - (2) **Category 2 Slopes:** All land areas in which the topographical conditions have a range of slope between 20 and 30 percent in slope in pre-development conditions, whereas the vertical elevation changes between 20 and 30 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category or any greater category prevail.
 - (3) **Category 3 Slopes:** All land areas in which the topographical conditions exceed a slope of 30 percent in pre-development conditions, whereas the vertical elevation changes exceeds 30 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category prevail.
- (C) All uses permitted within the underlying zoning districts shall be permitted as part of the Steep Slope Overlay District, provided that the lot or parcel intended to facilitate the proposed use and related site improvements does not conflict with the provisions of the Steep Slope Overlay District.
- (D) The following subdivision and land development provisions shall apply to all lots or parcels, regardless of their size, whereas at least 10 percent of the lot or parcel includes Category 1 Slopes:
- (1) Where feasible, the principal building and use shall not be located on Category 1 Slopes. In situations where the entire lot consists of Category 1 Slopes or greater, the applicant shall develop a plan to mitigate excess grading and erosive conditions.
 - (2) The maximum building coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 20 percent from the conventional standard.

Example: If the maximum building coverage for a residential lot is 20 percent and the lot contains Category 1 Slopes as the highest delineated slope category, then the 20 percent reduction would limit the maximum building coverage to 16 percent for that residential lot.
 - (3) The maximum lot coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 20 percent from the conventional standard.

Example: If the maximum lot coverage for a residential lot is 30 percent and the lot contains Category 1 Slopes as the highest delineated slope category, then the 20 percent reduction would limit the maximum lot coverage to 24 percent for that residential lot.

- (4) The maximum disturbance area of lands that have been exclusively identified as Category 1 Slopes shall be limited to 70 percent of the total area of the Category 1 Slopes on the lot or property being developed.

- (E) The following subdivision and land development provisions shall apply to all lots or parcels, regardless of their size, whereas at least 10 percent of the lot or parcel includes Category 2 Slopes:

- (1) The principal building and use may be located on Category 2 Slopes provided that a professional engineer, architect or surveyor, licensed within the Commonwealth of Pennsylvania, submits plans and supporting documentation to Lower Alsace Township and/or Mount Penn Borough as part of the subdivision plan, land development plan and/or building permit to demonstrate that the proposed construction methods shall mitigate any adverse impacts associated with steep slopes, hydrology, landscaping, erosion and stabilization. All such plans, designs and supporting documentation shall be signed and sealed by the professional engineer, architect or surveyor, which shall be subject to the review and approval of Lower Alsace Township and/or Mount Penn Borough.

- (2) Accessory buildings, uses and driveways may be located on or traverse through Category 2 Slopes.

- (3) The maximum building coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 25 percent from the conventional standard.

Example: If the maximum building coverage for a commercial lot is 40 percent and the lot contains Category 2 Slopes as the highest delineated slope category, then the 25 percent reduction would limit the maximum building coverage to 30 percent for that commercial lot.

- (4) The maximum lot coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 25 percent from the conventional standard.

Example: If the maximum lot coverage for a commercial lot is 60 percent and the lot contains Category 2 Slopes as the highest delineated slope category, then the 15 percent reduction would limit the maximum lot coverage to 45 percent for that commercial lot.

- (5) The maximum disturbance area of lands that have been exclusively identified as Category 2 Slopes shall be limited to 40 percent of the total area of the Category 2 Slopes on the lot or property being developed.

- (6) Municipal, utility and conservation uses shall be permitted on Category 2 Slopes.

- (F) The following subdivision and land development provisions shall apply to all lots or parcels, regardless of their size, whereas at least 10 percent of the lot or parcel includes Category 3 Slopes:

- (1) The principal building and use shall not be located on Category 3 Slopes.

- (2) All accessory buildings, uses and driveways may be located on or traverse through Category 3 Slopes.

- (3) The maximum building coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 30 percent from the conventional standard.

Example: If the maximum building coverage for a residential lot is 20 percent and the lot contains Category 3 Slopes as the highest delineated slope category, then the 30 percent reduction would limit the maximum building coverage to 14 percent for that residential lot.

- (4) The maximum lot coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 30 percent from the conventional standard.

Example: If the maximum lot coverage for a residential lot is 30 percent and the lot contains Category 3 Slopes as the highest delineated slope category, then the 30 percent reduction would limit the maximum lot coverage to 21 percent for that residential lot

- (5) The maximum disturbance area of lands that have been exclusively identified as Category 3 Slopes shall be limited to 10 percent of the total area of the Category 3 Slopes on the lot or property being developed.
- (6) Municipal, utility and conservation uses shall be permitted on Category 3 Slopes.
- (G) Applications involving a subdivision and/or land development plan shall include a topographical analysis, which includes a depiction of the slope categories drawn to scale. The municipality with jurisdiction shall review the accuracy of the topographical analysis. Where necessary, field verification shall be conducted by the applicant to verify the accuracy of the topographical analysis.
- (H) If required by the municipality with jurisdiction, applications involving a zoning permit or building permit shall include a topographical analysis, which depicts the slope categories drawn to scale.

Section 509: Wetlands Overlay District

- (A) The Wetlands Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and Mount Penn Borough. The purpose and objective of the Wetlands Overlay District Overlay District is outlined as follows:
 - (1) To direct growth, development and revitalization efforts away from environmentally sensitive land areas and ecological habitats.
 - (2) To achieve and sustain a high quality natural resource system and to protect a natural diversity of ecosystems.
 - (3) To provide for terrestrial and aquatic habitats, which are essential for many species of flora and fauna.
 - (4) To develop a protective zone to serve as a natural filter in the removal of pollutants such as bacteria, nutrients and sediment from groundwater and surface water.
 - (5) To implement an effective hydrological and stormwater management program that adequately addresses surface drainage, groundwater recharge and soil erosion control measures
 - (6) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The Wetlands Overlay District shall include the following land and water features:
 - (1) All areas delineated as wetlands and/or seasonal pools on the most recent National Wetlands Inventory Maps (NWIA), as prepared by the United States Fish and Wildlife Service. The general scale of the NWIA Maps may make them inaccurate for detailed delineation and mapping purposes.
 - (2) All areas delineated as wetlands and/or seasonal pools by a qualified wetlands specialist, biologist and/or soil scientist with experience in delineating wetlands in accordance with state and federal guidelines.
 - (3) All areas delineated as wetlands and/or seasonal pools by the United States Army Corps of Engineers (USACE), as part of a Jurisdictional Determination.
 - (4) All areas containing hydric soils, as defined, described and mapped as part of the Soil Survey of Berks County.

- (C) All uses permitted within the underlying zoning districts shall be permitted as part of the Wetlands Overlay District, provided that the land area intended to facilitate the proposed use and related site improvements has not been delineated as a wetlands area by Lower Alsace Township and/or Mount Penn Borough, the United States Army Corps of Engineers, the Pennsylvania Department of Environmental Protection (PA DEP), the Berks County Conservation District, and/or by a qualified wetlands specialist, biologist and/or soil scientist with experience in delineating wetlands in accordance with state and federal guidelines.
- (D) For all subdivision or land development applications involving areas with hydric soils and/or areas considered to be wetlands, a qualified wetlands specialist, biologist and/or soil scientist with experience in delineating wetlands in accordance with state and federal guidelines shall conduct a field investigation and delineate the limits of the wetlands on the parcel of land being subdivided or developed. The delineation shall be conducted in accordance with the most currently accepted methodology, as determined by the USACE and the PA DEP. As part of this requirement, a report containing the field investigation notes, wetland data sheets, summary, conclusions and resume of the person(s) responsible for the field investigation shall be issued to Lower Alsace Township and/or Mount Penn Borough for review and consideration. Further, the subdivision plan or land development plan shall contain a certification note that has been endorsed by the qualified person(s) responsible for the field investigation and the wetlands delineation, as accurately depicted on the subdivision plan or land development plan.
- (E) The maximum disturbance area or encroachment area on lands that have been delineated as wetlands shall not exceed ten (10) percent of the total area delineated as wetlands, unless otherwise permitted by a United States Army Corps of Engineers, the Pennsylvania Department of Environmental Protection, or other agency with jurisdictional authority.
- (F) For all areas that have been delineated as wetlands, the following provisions and restrictions shall specifically apply:
- (1) No wetland encroachment or earth disturbance activities shall be permitted unless the appropriate permits or approvals have been obtained from the Pennsylvania Department of Environmental Protection and/or the United States Army Corps of Engineers.
 - (2) If a Jurisdictional Determination has been issued by the United States Army Corps of Engineers, a twenty (20) foot buffer zone shall be applied to all areas that have been delineated as wetlands, as measured from the perimeter of the wetlands area. Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, no encroachment or earth disturbance activities shall be permitted within the required buffer zone.
 - (3) If a Jurisdictional Determination has not been issued by the United States Army Corps of Engineers, a fifty (50) foot buffer zone shall be applied to all areas that have been delineated as wetlands, as measured from the perimeter of the wetlands area. Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, no encroachment or earth disturbance activities shall be permitted within the required buffer zone.
 - (4) Lower Alsace Township and/or Mount Penn Borough may allow a reduction in the dimensions or limits of the required buffer zone provided that the applicant can sufficiently demonstrate that there will be no degradation or negative impacts to the wetlands as a result of the reduction of the buffer zone.
 - (5) All areas delineated as wetlands within Lower Alsace Township and/or Mount Penn Borough are subject to the land use restrictions and controls, as specified by Lower Alsace Township and/or Mount Penn Borough, the Pennsylvania Department of Environmental Protection and/or the United States Army Corps of Engineers. Where encroachments or earth disturbance activities are proposed for any improvements, the required approvals or permits must be obtained by the applicant from the agency with jurisdiction.
- (G) Unless otherwise required by Lower Alsace Township and/or Mount Penn Borough, a wetlands delineation shall be conducted for all areas in which earth disturbance activities or improvements are proposed within the Wetlands Overlay District.

Section 510: Woodlands Overlay District

- (A) The Woodlands Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and/or Mount Penn Borough. The purpose and objective of the Woodlands Overlay District is outlined as follows:
- (1) To protect areas classified as woodlands from inappropriate subdivision, land development and conservation management activities.
 - (2) To acknowledge that woodlands are a vital resource and provide a number of community benefits including: minimizing erosion on areas of steep slopes and stream banks; improving groundwater quality and quantity by filtering out pollution and sediment; providing wildlife habitats for plants and animals; providing effective stormwater management and erosion control; providing shade from direct sunlight and reduces temperatures; stabilizing adverse climate conditions by providing buffer and wind breaks; providing active and passive recreation opportunities; enhancing the scenic characteristics; and reducing air pollution by absorbing airborne pollutants.
 - (3) To establish forestry and timber regulations that will effectively promote good forest stewardship, protect the rights of adjoining property owners, and minimize the potential of adverse environmental impacts created by inappropriate timber harvesting.
 - (4) To minimize the clear cutting of woodlands and other earth disturbance activities, which may create adverse environmental and ecological impacts.
 - (5) To permit the sale of forestry products as an economic value and to appreciate that forestry is a leading industry within the Commonwealth of Pennsylvania.
 - (6) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) Terminology: The following terms relating to the Woodlands Overlay District area hereby defined:
- (1) 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 subdivision or land development activity.
 - (2) Woodlands: An area of land in which one (1) or more contiguous acres are mostly occupied or covered by healthy mature trees (12 inches in caliper). The area of the woodlands shall be measured from the drip line of the outer trees
 - (3) Woodland Extraction: The clear cutting of healthy mature trees (12 inches or more in caliper) to provide area for subdivision and land development activity on an individual lot.
- (C) The Woodlands Overlay District shall include the following uses, restrictions and activities:
- (1) Forestry, timber harvesting, tree harvesting and logging regulations, which apply to all operations involved with the cutting down of trees and removal of logs from woodlands or forests for the primary purpose of sale and commercial processing into wood products, shall be subject to the provisions specified under Section 616 of this Joint Zoning Ordinance.
 - (2) Woodland extraction, which applies to all earth disturbance activities including all subdivision and land development activities, shall be subject to Section 521 of the Subdivision and Land Development Ordinance.
 - (3) Tree protection and replacement regulations, which apply to all earth disturbance activities including subdivision and land development activities, shall be subject to Section 522 of the Subdivision and Land Development Ordinance.

Article 6: Supplemental Land Use and Development Requirements

Section 601: Statement of Intent

- (A) The intent of Article 6 of this Joint Zoning Ordinance is to provide supplemental controls and regulations for particular uses that are permitted by right, special exception or conditional use, as specified under the various Zoning Districts established in this Joint Zoning Ordinance.
- (B) Unless otherwise specified, all uses shall comply with the provisions of the underlying Zoning District as well as those standards contained under Article 6 of this Joint Zoning Ordinance.
- (C) Should a discrepancy occur between the requirements specified under Article 6 and the other provisions of this Joint Zoning Ordinance, the more restrictive standards and specifications shall apply.
- (D) For the uses permitted by right, the standards specified under Article 6 shall be satisfied as part of a subdivision plan, land development plan and/or zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.
- (E) For uses permitted by special exception or conditional use, the standards specified under Article 6 shall be satisfied as part of the special exception application or conditional use application. The municipality with jurisdiction may defer certain requirements to be satisfied as part of a subdivision plan, land development plan and/or zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.
- (F) The regulations established under Article 6 of this Joint Zoning Ordinance shall be subject to the interpretation of the appointed Zoning Officer with municipal jurisdiction. Should a dispute arise concerning the interpretation of these supplementary regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board with municipal jurisdiction.

Section 602: Adaptive Reuse and Redevelopment

- (A) Adaptive reuse and redevelopment shall be permitted by conditional use within the Carsonia Avenue Overlay District, Historic Overlay District, Perkiomen Avenue Overlay District and Spook Lane Overlay District.
- (B) The purpose and objectives for adaptive reuse and redevelopment are outlined as follows:
 - (1) To preserve the integrity, cultural heritage and community interest of existing historic building and structures while permitting other uses that may continue to implement the planning goals and objectives of the Historic Overlay District.
 - (2) To permit the planned reuse, division and/or redevelopment of existing non-residential buildings, structures and land areas within the Carsonia Avenue Overlay District, Historic Overlay District, Perkiomen Avenue Overlay District and the Spook Lane Overlay District, subject to specific design criteria, procedural requirements and land development standards.
 - (3) To provide incentives to occupy vacant historic and/or non-residential building or structures.
 - (4) To pursue economic development targets that will build upon the existing commercial base.
 - (5) To implement the recommendations concerning land use planning and economic development, as outlined within the Joint Comprehensive Plan for The municipality with jurisdiction.
- (C) Historic structures, buildings and/or uses seeking to utilize the adaptive reuse and redevelopment provisions contained under Section 602 of this Joint Zoning Ordinance shall also be subject to the provisions contained under Section 504 of this Joint Zoning Ordinance. All such adaptive reuse and redevelopment applications shall be permitted by conditional use, which shall be subject to the provisions and permitted land uses that are further specified under Section 504 of this Joint Zoning Ordinance.

- (D) The provisions for adaptive reuse and redevelopment, as specified under this section of the Joint Zoning Ordinance shall apply to non-residential uses, buildings and land areas within the Carsonia Avenue Overlay District, Historic Overlay District, Perkiomen Avenue Overlay District and the Spook Land Overlay District, which have been abandoned, unoccupied or not utilized for a period of (1) year or more. Unless otherwise specified by this Joint Zoning Ordinance, all adaptive reuse and redevelopment applications shall be permitted by conditional use and subject to the land use and development requirements specified by this Joint Zoning Ordinance.
- (E) The following provisions shall apply to any proposed non-residential use, which is intended to convert and occupy an abandoned building under the provisions of adaptive reuse and redevelopment:
- (1) The existing building may be expanded to accommodate the new permitted use provided it conforms to all dimensional requirements of the underlying zoning district or as specified by the overlay district.
 - (2) Where the existing building is considered nonconforming based upon its lot area, height or building coverage, the existing building may be enlarged by no more than twenty (20) percent, provided that the expansion is completed within five (5) years from the date of the initial occupancy permit.
 - (3) Where the existing building is considered nonconforming based upon its proximity to property lines, the existing building may be enlarged by no more than twenty (20) percent, provided that the expansion does not further violate the yard requirement of the underlying zoning district and that expansion is completed within five (5) years from the date of the initial occupancy permit.
 - (4) Where the existing building is considered nonconforming based upon lot coverage, the existing building may be enlarged by no more than twenty (20) percent, provided that the expansion is conducted on other impervious surfaces and that the expansion is completed within five (5) years from the date of the initial occupancy permit.
 - (5) The total number of off-street parking and loading spaces for each use may be reduced by no more than thirty (30) percent of the minimum requirements of this Joint Zoning Ordinance, provided that the applicant demonstrates that the total number of proposed off-street parking and loading spaces can safely and efficiently accommodate the employees and patrons on the largest shift.
- (F) If the conditional use application is approved by the governing body with municipal jurisdiction, the landowner shall submit a zoning permit application for the proposed use and land development activity.
- (G) All projects considering adaptive reuse and redevelopment, which involve the division of any parcels of land or internal building space, shall be subject to all pertinent subdivision requirements, as specified under the Subdivision and Land Development Ordinance. The perimeter of all subdivided parcels of land shall be accurately described by bearings and distances.
- (H) If required by the municipality with jurisdiction, land development plan and/or stormwater management plan shall be prepared and submitted for review and consideration.
- (I) If required by the municipality with jurisdiction, a traffic impact study and/or environmental impact assessment study shall be prepared and submitted for review and consideration.
- (J) All commonly owned land uses, buildings or subcomponents of building areas considering adaptive reuse and redevelopment shall be required to have separate sanitary sewer connections, water supply connections, and all other utilities servicing the property. All utility connections shall be installed in accordance with all specifications adopted by the municipality with jurisdiction and the public utility company providing service to the use.
- (K) All uses shall be designed to minimize and reduce light, noise and air emissions onto adjacent properties. Where feasible, buffer yards and landscaping enhancements should be established around the perimeter of the property.
- (L) All uses shall comply with the minimum building code requirements, as specified by the municipality with jurisdiction and Commonwealth of Pennsylvania. Prior to the issuance of a Use and Occupancy Permit for the proposed use, the applicant shall provide evidence to the municipality with jurisdiction that all plans and permits have been approved by all pertinent local, state and federal agencies.

Section 603: Age-Qualified Retirement Community

- (A) The purpose of this section is to provide development standards for age-qualified retirement communities, containing townhouses, apartments and condominium units. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach for senior housing and community development with provisions to permit more efficient utilization of land and of community facilities and services.
 - (2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.
 - (3) To efficiently utilize the remaining undeveloped land area within the municipality with jurisdiction, while providing additional housing opportunities for persons over fifty-five (55) years of age.
 - (4) To implement the recommendations concerning natural features, development, utilities, transportation, housing and land use, as outlined within the Joint Comprehensive Plan.
- (B) Age-qualified retirement communities, as further defined under Article 2 of this Joint Zoning Ordinance, are permitted as follows:
- (1) Age-qualified retirement communities shall be permitted by right within the R-3, R-4 and C-1 Zoning Districts.
 - (2) Age-qualified retirement communities shall be permitted by conditional use within the Spook Lane Overlay District.
- (C) Age-qualified retirements shall be developed, organized and operated in accordance with all state and federal laws relative to the housing of persons over fifty-five (55) years of age. All such developments shall be required to incorporate deed restrictions as part of a homeowners association or similar legal document to ensure that the age-qualified retirement community is securely managed. All such deed restrictions shall be considered by the municipality with jurisdiction and recorded with the approved land development plan.
- (D) Age-qualified retirement communities shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land required for an age-qualified retirement community shall be as follows:
 - (a) A minimum of two (2) contiguous acres of land shall be required for an age-qualified retirement community within the R-3, R-4 and C-1 Zoning Districts.
 - (b) A minimum of five (5) contiguous acres of land shall be required for an age-qualified retirement community within the Spook Land Overlay District.
 - (c) Contiguous land area shall be the total land area owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The municipality with jurisdiction shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the age-qualified retirement community can be strategically designed as a unified community.
 - (2) The following uses shall be permitted as part of an age-qualified retirement community:
 - (a) An age-qualified retirement community located within the R-3, R-4 and C-1 Zoning Districts may include residential uses containing townhouse units, apartments, condominiums and other accessory uses to support the development.
 - (b) An age-qualified retirement community located within the Spook Lane Overlay District may include residential uses containing townhouse units and other accessory uses to support the development.
 - (c) Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.

- (3) The age-qualified retirement community shall comply with the following base residential density requirements:
 - (a) The maximum base residential density for age-qualified retirement communities within the R-3, R-4 and C-1 Zoning Districts shall be twelve (12) dwelling units per gross acre.
 - (b) The maximum base residential density for age-qualified retirement communities within the Spook Lane Overlay District shall be six (6) dwelling units per gross acre.
 - (c) A residential density bonus may be considered by the municipality with jurisdiction in accordance with the provisions specified under Section 603.F of this Joint Zoning Ordinance.
 - (4) The following common open space requirements shall be required for an age-qualified retirement community:
 - (a) Within the R-3, R-4 and C-1 Zoning Districts, a minimum of thirty (30) percent of the gross area of the age-qualified retirement community shall be set aside as common open space.
 - (b) Within the Spook Lane Overlay District, a minimum of fifty (50) percent of the gross area of the age-qualified retirement community shall be set aside as common open space
 - (c) The required common open space shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (5) The permitted uses shall be serviced by sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (6) The permitted uses shall be serviced by water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (7) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (E) The following land use and dimensional requirements shall apply to age-qualified retirement community:
- (1) Townhouse units, subject to the following minimum and maximum development requirements:
 - (a) The minimum width of a townhouse unit shall be twenty (20) feet.
 - (b) The building setback line shall be a minimum of twenty (20) feet, as measured from the street right-of-way line.
 - (c) The minimum building separation from other groups of townhouse units within the development shall be as follows: the separation shall be twenty (20) feet when the townhouse unit groups are side to side; the separation shall be thirty (30) feet when the townhouse unit groups are side to rear; and the separation shall be forty (40) feet when the townhouse unit groups are rear to rear.
 - (d) All townhouse units within the development shall be located at least thirty (30) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (e) The number of townhouse units, attached in a common row, shall not exceed eight (8) attached townhouse units provided that the front building lines or facades of any two adjoining townhouse units are offset by a minimum of two (2) feet.

- (f) The maximum height of a townhouse unit shall be thirty-five (35) feet. The maximum height may be increased to fifty (50) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
- (2) Apartment or condominium units, subject to the following minimum and maximum development requirements:
 - (a) The building setback line shall be a minimum of thirty (30) feet, as measured from the street right-of-way line.
 - (b) The minimum building separation from other groups of buildings within the development shall be sixty (60) feet regardless of the orientation of the building.
 - (c) The maximum length or depth of any building occupying individual apartment or condominium units shall not exceed two hundred (200) feet.
 - (d) The maximum height of the building shall be thirty-five (35) feet. The maximum height may be increased to fifty (50) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
 - (e) All apartment units or condominium units within the development shall be located at least forty (40) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (f) No more than twenty-five (25) percent of the total area of the development shall be covered by buildings occupying apartment or condominium units.
 - (g) No more than forty (40) percent of the total area of the development shall be covered by impervious surfaces.
- (3) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the age-qualified retirement community and which are owned and operated by the developer or homeowners association.
- (4) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the age-qualified retirement community.
- (5) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 644 of this Joint Zoning Ordinance.
- (6) A personal care facility, assisted living care facility, convalescent home and/or nursing home may be designed as an alternative residential care option within the age-qualified retirement community, subject to the following provisions:
 - (a) The total number of residents or available beds within the personal care facility, assisted living care facility, convalescent home and/or nursing home shall not be more than forty (40) percent of the residential population of the age-qualified retirement community.
 - (b) Licensed care givers shall be available on a full-time basis.
 - (c) The personal care facility, assisted living care facility, convalescent home and/or nursing home shall comply with the applicable provisions specified under Section 639 of this Joint Zoning Ordinance.
- (7) Municipal uses, subject to Section 636 of this Joint Zoning Ordinance.
- (8) Category 1 Home Occupation Use, subject to Section 623.1 of this Joint Zoning Ordinance.

- (F) A density bonus of 0.25 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this sub-section) achieved as part of the preliminary subdivision and land development plan application. The maximum permitted density bonus shall not exceed 2.0 dwelling unit per gross acre. As part of the preliminary subdivision and land development plan application, the municipality with jurisdiction may consider a density bonus for the following design objectives:
- (1) The age-qualified retirement community provides consideration for active recreation facilities on at least twenty (20) percent of the land area designated as open space within the development.
 - (2) The age-qualified retirement community provides for passive recreation, educational and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least twenty (20) percent of the area designated as open space within the development.
 - (3) The age-qualified retirement community is designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, wood, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (4) The age-qualified retirement community provides additional open space areas beyond the minimum requirements specified under Sections 603.D.4 and 603.J of this Joint Zoning Ordinance, regardless of configuration, whereas a 0.25 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the age-qualified retirement community. The maximum density bonus for this provision shall not exceed 1.0 dwelling units per acre.
- (G) The age-qualified retirement community shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 603 of this Joint Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The area occupied by each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the age-qualified retirement community shall be set aside and maintained as common open space.
 - (5) The proposed residential units and uses within the age-qualified retirement community shall have suitable access to an existing public street.
 - (6) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by the municipality with jurisdiction to accommodate the proposed age-qualified retirement community.
 - (7) The applicant should give special attention to the main entrance(s) to the age-qualified retirement community. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design should be considered as a prominent feature of the development.
 - (8) Each residential use within the age-qualified retirement community shall provide a minimum of two (2) off-street parking spaces.
 - (9) The design requirements and specifications contained within the Subdivision and Land Development Ordinance shall be applied to the age-qualified retirement community as part of the application for subdivision and land development plan approval.

- (H) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (I) Age-qualified retirement communities shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The age-qualified retirement community shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the age-qualified retirement community, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) A landscaping plan shall be submitted to the municipality with jurisdiction for consideration as part of the subdivision and land development plan application. The applicant shall provide one (1) new tree for each proposed residential lot, unit or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The age-qualified retirement community shall provide a buffer yard and/or planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The use of existing healthy mature trees (12 inches or more in diameter at breast height) or alternative design methods (fencing, berms and infill planting) may be utilized as part of the required buffer yard and/or planting screen, which shall be subject to the review and approval of the municipality with jurisdiction as part of the landscaping plan for the subdivision and land development plan application.
 - (6) The age-qualified retirement community shall be designed to preserve and incorporate scenic, natural, historical and cultural features.
- (J) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) The minimum land area with the age-qualified retirement community that shall be dedicated as common open space shall be follows:
 - (a) Within the R-3, R-4 and C-1 Zoning Districts, a minimum of thirty (30) percent of the gross area of the age-qualified retirement community shall be set aside as common open space.
 - (b) Within the Spook Lane Overlay District, a minimum of fifty (50) percent of the gross area of the age-qualified retirement community shall be set aside as common open space.
 - (c) Additional land area may be dedicated as common open space in order to achieve the density bonus provisions specified under Section 603.F of this Joint Zoning Ordinance.
 - (2) No more than forty (40) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.

- (4) Significant natural features including floodplains, surface waters, wetlands, steep slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the design of the common open space.
- (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than fifty (50) feet in width. In addition, there shall be at least one (1) designated common area that is contiguous within the age-qualified retirement community containing no less than twenty (20) percent of the required open space.
- (6) Written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
- (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to the municipality with jurisdiction, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of the common open space shall be subject to the review and approval of the municipality with jurisdiction.
- (8) The areas designated as open space shall be subject to the approval of the municipality with jurisdiction.
- (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by the municipality with jurisdiction, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (K) The age-qualified retirement community shall be designed in accordance with the following procedural requirements:
 - (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 603 of this Joint Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
 - (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan, which shall not be considered as an official plan submission in accordance with the provisions of the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.
 - (3) The municipality with jurisdiction may schedule a public meeting to conduct a site review of the area being considered for the age-qualified retirement community. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
- (L) As part of the subdivision and/or land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 604: Agricultural Uses

- (A) The term “agricultural operation”, as defined under Article 2 of this Joint Zoning Ordinance, shall include general agricultural uses and intensive agricultural uses.
- (B) The provisions for general agricultural uses are further specified under Section 604.1 of this Joint Zoning Ordinance.
- (C) The provisions for intensive agricultural uses are further specified under Section 604.2 of this Joint Zoning Ordinance.

Section 604.1: General Agricultural Uses

- (A) General agricultural uses, as further defined under Article 2 of this Joint Zoning Ordinance, shall be a permitted use by right within the RC, R-1, R-2 and I-1 Zoning Districts.
- (B) General agricultural uses may include the following uses: the cultivation of the soil for the raising and harvesting of the produce or crops; nurseries; greenhouses; horticulture operations; the raising of livestock and animal husbandry operations; silvicultural and aquacultural uses; and other general agricultural uses.
- (C) The raising and ownership of farm animals as a general agricultural use shall be limited based upon owned or leased contiguous acres relating to animal units. The number of animal units and animal weight classification shall be specifically determined using the accepted methods of the Pennsylvania Nutrient Management Act. The following chart shall apply to general agricultural uses containing farm animals.

General Agricultural Uses: Contiguous Acreage and Maximum Animal Unit Requirements			
Farm Animal	5.00 to 9.99 acres	10.00 to 19.99 acres	20.00 acres or more
Poultry, fowl, rabbits and similar animals with weight that is less than 10 pounds per animal.	0.25 animal unit per acre 250 pounds per acre	0.50 animal unit per acre 500 pounds per acre	2.00 animal unit per acre 2,000 pounds per acre
Sheep, goats and similar animals with weight between 10 pounds and 200 pounds per animal	0.50 animal unit per acre 500 pounds per acre	1.00 animal unit per acre 1,000 pounds per acre	2.00 animal unit per acre 2,000 pounds per acre
Pigs, hogs, swine and similar animals with a weight between 200 pounds and 500 pounds per animal	0.25 animal unit per acre 250 pounds per acre	0.50 animal unit per acre 500 pounds per acre	2.00 animal unit per acre 2,000 pounds per acre
Horses, cattle and similar animals with a weight between 500 pounds and 2,000 pounds per animal	1.00 animal unit per acre 1,000 pounds per acre	1.00 animal unit per acre 1,000 pounds per acre	2.00 animal unit per acre 2,000 pounds per acre
All other farm animals	0.50 animal unit per acre 500 pounds per acre	1.00 animal unit per acre 1,000 pounds per acre	2.00 animal unit per acre 2,000 pounds per acre
Note: The raising and ownership of farm animals as a general agricultural use shall be limited to the maximum permitted animal units per contiguous acre as well as the maximum permitted animals per acres as reference on this chart. Where a discrepancy should exist concerning the weight of the farm animal, the more restrictive provision shall apply.			

- (D) The following minimum and maximum dimensional requirements shall apply to general agricultural uses:
 - (1) A minimum of five (5) acres of contiguous land area shall be required.
 - (2) All principal buildings and structures that are utilized for general agricultural uses shall be located at least fifty (50) feet from any property line or street right-of-way line.

- (3) The maximum height of all buildings and structures shall be fifty (50) feet.
- (4) The total building coverage for general agricultural shall not exceed ten (10) percent of the lot area. The total lot coverage for general agricultural uses shall not exceed twenty (20) percent of the lot area.
- (E) A winery may be permitted as an accessory use to an agricultural operation within the RC, R-1 and R-2 Zoning Districts, subject to the following provisions:
 - (1) The winery shall be operated as a general agricultural use in accordance with the provisions of this Joint Zoning Ordinance.
 - (2) The winery shall be located on a conforming lot that exceeds five (5) acres of contiguous land area.
 - (3) All principal and accessory building utilized as part of the winery shall be located at least fifty (50) feet from any property line or street right-of-way line.
 - (4) At least sixty (60) percent of the natural ingredients that are required for the fermentation and production of the wine shall be grown, raised and harvested on the farm occupied by the winery. The percentage of the natural ingredients shall be calculated based upon the total volume and estimated weight.
 - (5) The winery shall be owned, maintained and operated by the resident landowner of the farm on which the agricultural operation (principal use) and the winery (accessory use) are located.
 - (6) There shall be no visible signs on the property or public advertisement campaigns to identify the winery as a commercial venture or use.
 - (7) The winery shall be operated as a Category 1 Home Occupation (permitted by right) or as a Category 2 Home Occupation (permitted by special exception) in accordance with the provisions that are further specified under Section 623.1 and 623.2 of this Joint Zoning Ordinance.
 - (8) The winery shall be subject to all other local, state and federal laws that pertain to the production, transport, and sale of agricultural and alcoholic products.
- (F) Commercial nurseries and greenhouses shall be subject to the provisions of Section 638 of this Joint Zoning Ordinance. All non-commercial nurseries and greenhouses shall be subject to the provisions of Section 703.M of this Joint Zoning Ordinance.
- (G) The raising of crops or residential garden on a residential lot with less than five (5) acres of contiguous land area shall be subject to the provisions of Section 703.F of this Joint Zoning Ordinance.
- (H) The raising of farm animals or livestock on a residential lot containing less than five (5) acres of contiguous land area shall be subject to the provisions of Section 703.M of this Joint Zoning Ordinance.:
- (I) All general agricultural uses and activities shall comply with all local, state and federal laws concerning manure management, nutrient management, fertilizer applications, water supply, stormwater management, erosion and sedimentation control, and vehicular accessibility.
- (J) Accessory uses may be permitted for the general agricultural uses, provided they are conducted on the same lot and are permitted by the municipality with jurisdiction.

Section 604.2: Intensive Agricultural Uses

- (A) Intensive agricultural uses, as further defined under Article 2 of this Joint Zoning Ordinance, shall be a permitted use by conditional use within the RC and R-1 Zoning Districts.
- (B) Intensive agricultural uses may include the following uses: specialized agricultural activities; mushroom production facilities; intensive livestock operations; intensive produce operations; poultry production facilities; intensive greenhouse operations; concentrated feed operations; concentrated animal operations; and other intensive agricultural uses, as determined by the appointed Zoning Officer with municipal jurisdiction.

- (C) The raising and ownership of farm animals as an intensive agricultural use shall be limited based upon owned contiguous acres relating to animal units. The number of animal units and animal weight classification shall be specifically determined using the accepted methods of the Pennsylvania Nutrient Management Act. The following chart shall apply to intensive agricultural uses containing farm animals.

Intensive Agricultural Uses: Contiguous Acreage and Maximum Animal Unit Requirements			
Farm Animal	10.00 to 49.99 acres	50.00 to 99.99 acres	100.00 acres or more
Poultry, fowl, rabbits and similar animals with weight that is less than 10 pounds per animal.	2.00 animal unit per acre 2,000 pounds per acre	4.00 animal unit per acre 4,000 pounds per acre	6.00 animal unit per acre 6,000 pounds per acre
Sheep, goats and similar animals with weight between 10 pounds and 200 pounds per animal	3.00 animal unit per acre 3,000 pounds per acre	4.00 animal unit per acre 4,000 pounds per acre	6.00 animal unit per acre 6,000 pounds per acre
Pigs, hogs, swine and similar animals with a weight between 200 pounds and 500 pounds per animal	2.00 animal unit per acre 2,000 pounds per acre	4.00 animal unit per acre 4,000 pounds per acre	6.00 animal unit per acre 6,000 pounds per acre
Horses, cattle and similar animals with a weight between 500 pounds and 2,000 pounds per animal	3.00 animal unit per acre 3,000 pounds per acre	4.00 animal unit per acre 4,000 pounds per acre	6.00 animal unit per acre 6,000 pounds per acre
All other farm animals	2.00 animal unit per acre 2,000 pounds per acre	4.00 animal unit per acre 4,000 pounds per acre	6.00 animal unit per acre 6,000 pounds per acre
Note: The raising and ownership of farm animals as an intensive agricultural use shall be limited to the maximum permitted animal units per contiguous acre as well as the maximum permitted animals per acres as reference on this chart. Where a discrepancy should exist concerning the weight of the farm animal, the more restrictive provision shall apply.			

- (D) As part of the conditional use application, the governing body with municipal jurisdiction may permit a twenty (20) percent increase to the maximum animal unit requirements specified under Section 604.2(C) of this Joint Zoning Ordinance, provided that such increase does not impose any adverse effects to the health, safety and general welfare of the community.
- (E) The following minimum and maximum dimensional requirements shall apply to intensive agricultural uses:
- (1) A minimum of ten (10) acres of contiguous land area shall be required to accommodate intensive agricultural uses and activities.
 - (2) All buildings and structures utilized for intensive agricultural uses shall be located at least two hundred (200) feet from any property line or street right-of-way line.
 - (3) All intensive agricultural uses and facilities shall not be located within the floodplain and shall be located at least two hundred (200) feet from all perennial streams or surface water.
 - (4) The maximum height of all buildings and structures utilized for intensive agricultural uses shall not exceed fifty (50) feet.
 - (5) The total building coverage for general agricultural uses shall not exceed ten (10) percent of the lot area. The total lot coverage for general agricultural uses shall not exceed twenty (20) percent of the lot area.
- (F) The intensive agricultural use shall be serviced by public sanitary sewage facilities or on-lot sanitary sewer facilities approved and permitted by the municipality with jurisdiction and the Pennsylvania Department of Environmental Protection.

- (G) The intensive agricultural use shall be serviced by a private water supply system approved and permitted by the municipality with jurisdiction and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity of the water supply source will be sufficient to accommodate the intensive agricultural use and will not and not create an adverse impact (quality and quantity) with the water sources on adjacent properties. The methods utilized to verify if there is a safe and dependable supply of water shall be subject to the approval of the municipality with jurisdiction.
- (H) Solid and liquid waste shall be disposed of in a manner to avoid insect, fly, rodent or pest problems. All intensive animal operations shall develop an abatement plan to mitigate potential nuisances.
- (I) All intensive agricultural uses and activities shall comply with all local, state and federal laws concerning manure management, nutrient management, fertilizer applications, water supply, stormwater management, erosion and sedimentation control, conservation, and vehicular accessibility. Where appropriate, the applicant shall submit plans or other forms of documentation to demonstrate that the intensive agricultural use complies with all pertinent state and federal laws.
- (J) The applicant shall consult with qualified professionals to assess potential adverse impacts associated with the intensive agricultural use and to provide assistance in the preparation of any assessment studies or plans that should be completed as a prerequisite for the conditional use application or completed as a condition of approval of the conditional use application. The governing body shall consider the recommendations of these qualified professionals as part of the conditional use application.
- (K) If required, the following assessment studies or plans shall be completed:
- (1) A Nutrient Management Plan (NMP) shall be completed for the intensive agricultural use in accordance with local, state and federal requirements.
 - (2) A Conservation Plan shall be completed for the intensive agricultural use in accordance with local, state and federal requirements.
 - (3) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs.
 - (4) A Phase I Environmental Impact Assessment Report shall be conducted to assess existing and proposed site conditions.
- (L) As part of the conditional use application, the applicant shall provide evidence that the intensive agricultural uses or activities shall comply with the provisions established within this Joint Zoning Ordinance.
- (M) As part of the conditional use application, the governing body of the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan or building permit application.
- (N) If the governing body of the municipality with jurisdiction approves the conditional use application, a complete land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the municipality with jurisdiction. The governing body may waive this requirement pursuant to the provisions established by the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.

Section 605: Automobile Sales, Service and/or Repair Facility

- (A) Automobile sales, service and/or repair facility, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) Automobile service stations shall be permitted by special exception within the C-1, C-2 and I-1 Zoning Districts of both Lower Alsace Township and Mount Penn Borough.
 - (2) Automobile sales shall be permitted by special exception within the C-2 Zoning District of Mount Penn Borough.
 - (3) Car washing facilities shall be permitted by special be permitted by special exception within the C-2 Zoning District of Mount Penn Borough.
- (B) The following lot area and dimensional requirements shall apply to an automobile service station and repair facility:
- (1) Automobile sales, service, repair and car washing facilities shall have a minimum lot area of 20,000 square feet.
 - (2) Automobile sales, service, repair and car washing facilities shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the automobile sales, service and/or repair facility is located
- (C) The following general standards shall be required for an automobile sales, service repair and car washing facilities:
- (1) The permitted use shall be serviced by public sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The permitted use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) All means of ingress and/or egress shall be located and designed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) Retail sales of automobile parts, oil, lubricants, petroleum products, food, beverages, household products, newspapers, magazines, periodicals and other similar items may be permitted as an accessory use to an automobile service station. No more than fifty (50) percent of the gross floor area of the building occupying the permitted use shall be utilized for retail sales.
 - (6) No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the automobile service establishment shall be permitted. All permitted materials that are stored outdoors shall be located no closer than twenty (20) feet to any property line or street right-of-way line.
 - (7) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (8) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.

- (9) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (10) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) Automobile service stations and/or repair facilities are permitted by special exception within the C-1, C-2 and I-1 Zoning Districts of Lower Alsace Township and Mount Penn Borough, subject to the following conditions:
- (1) The automobile service station and/or repair facility shall be located on a conforming lot that complies with the lot area, building setback, coverage and height requirements of the zoning district on which on which the automobile service station and/or repair facility is located
 - (2) All general service, maintenance and repair facilities shall be permitted provided that they are conducted within an enclosed building, which complies with the appropriate building code requirements for a commercial establishment within the municipality with jurisdiction.
 - (3) The sale of gasoline, diesel fuel, kerosene or other petroleum products shall be permitted, subject to the following criteria.
 - (a) All proposed fueling pumps shall be located within the side yard or rear yard of the lot on which the permitted use is located. The fueling pumps shall be located at least thirty (30) feet from any property line including the street right-of-way.
 - (b) The maximum number of fueling pumps shall be limited to four (4) fuel pumps and eight (8) fueling positions.
 - (c) The canopy covering the fuel pumps shall not exceed twenty-five (25) feet from ground level at its highest point.
 - (d) The total area of the canopy not exceed in area shall not exceed in total area of 3,000 square feet. In addition, the canopy shall be considered as part of the building coverage calculations.
 - (e) During non-daylight hours of operation, overhead lighting under the canopy shall illuminate all fueling positions. The canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures shall be prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of gas pumps are permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. All such canopy lighting over fuel dispensing positions shall not exceed an average of 20.0 maintained footcandles, unless a more stringent standard is specified by the building code.
 - (f) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is specified by the building code.
 - (4) Automobile service stations shall include the repair and servicing of cars, light-duty trucks (PennDOT Class 1 through 3) and/or motorcycles. Vehicles exceeding these parameters shall be classified as a heavy-duty trucks or vehicles, which shall not be permitted within the C-1 or I-1 Zoning Districts.
 - (5) All vehicles that have been brought in for service, maintenance or repair shall in a state of active repair and shall not be permitted on the premises for a period of more than sixty (60) days.
 - (6) Impound facilities or storage areas for automobiles or other vehicles shall be prohibited as a principal use or as an accessory use.
 - (7) The on-site demolishing or dismantling of vehicles for salvage or parts shall be prohibited.
 - (8) Mechanical ventilation outlets associated with the service and/or repair work areas shall comply with all state and federal air quality and emission standards.

- (E) Automobile sales and related services shall only be permitted by special exception within the C-2 Zoning District of Mount Penn Borough, subject to the following conditions:
- (1) The automobile sales facility shall be located on a conforming lot that complies with the lot area, building setback, coverage and height requirements of the zoning district on which the automobile sales facility is located.
 - (2) The external area devoted to the automobile sales and display shall be located at least twenty (20) feet from all street right-of-way lines and property lines.
 - (3) Automobile sales shall include cars, light-duty trucks (PennDOT Class 1 through 3) and/or motorcycles. Vehicles exceeding these parameters shall be classified as a heavy-duty trucks or vehicles, which shall not be permitted as part of the automobile sales use.
 - (4) Drive-through service facilities shall be designed with sufficient on-site stacking or queuing lanes in order to prevent the traffic congestion and/or the back-ups onto adjoining roads or adjacent properties.
 - (5) Interior access lanes shall be designed so as to prevent traffic congestion at points of ingress and egress. All designated areas for parking and loading of trucks and/or other commercial vehicles shall be arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
 - (6) The sale of gasoline, diesel fuel, kerosene and/or other petroleum products shall not be permitted as a secondary principal use or commercial option for an automobile sales facility.
 - (7) Car wash facilities shall not be permitted as a secondary principal use or commercial option for an automobile sales facility. All such uses may be permitted as an accessory use to an automobile sales, service and/or repair facility.
- (F) Car washing facilities and related services shall only be permitted by special exception within the C-2 Zoning District of Mount Penn Borough, subject to the following conditions:
- (1) The car wash facility shall be located on a conforming lot that complies with the lot area, building setback, coverage and height requirements of the zoning district on which the car wash is located.
 - (2) The car wash shall be designed to accommodate cars, light-duty trucks (PennDOT Class 1 through 3) and/or motorcycles.
 - (3) The proposed pre-service or drive-through service lanes shall be designed with sufficient on-site stacking or queuing lanes in order to prevent the traffic congestion and/or the back-ups onto adjoining roads or adjacent properties. Each pre-service or drive-through service lane for the car washing facility shall be at least ten (10) feet in width and one hundred (100) feet in length.
 - (4) A post-washing drying area shall be provided for two (2) vehicles per car washing bay or unit.
 - (5) All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other audible sounds are reduced by eight (80) percent from the source to any property line.
 - (6) The sale of gasoline, diesel fuel, kerosene and/or other petroleum products shall not be permitted as a secondary principal use or commercial option for an automobile sales facility.
 - (7) Automobile sales shall not be permitted as a secondary principal use or commercial option for a car washing facility.
- (G) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 606: Banks and Financial Institutions

- (A) Banks and financial institutions, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) Banks and financial institution without drive-through service facilities shall be permitted by right within the C-1 and C-2 Zoning Districts.
 - (2) Banks and financial institution without drive-through service facilities shall be permitted by right within the Carsonia Avenue Overlay District and Perkiomen Avenue Overlay District.
 - (3) Banks and financial institution with drive-through service facilities shall be permitted by special exception within the C-1 and C-2 Zoning Districts.
- (B) The following lot area and dimensional requirements shall apply to a bank or financial institution:
- (1) A bank and/or financial institution shall have a minimum lot area of 10,000 square feet.
 - (2) The bank and/or financial institution shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
- (C) The following standards and specifications shall be required for banks and financial institutions:
- (1) The permitted use shall be serviced by public sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The permitted use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) Banks and financial institutions with drive-through facilities shall be permitted by special exception and shall be subject to the provisions of Sections 806 and 1107 of this Joint Zoning Ordinance.
 - (5) All means of ingress and/or egress shall be located and designed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (6) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (7) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (8) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (D) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 607: Bed and Breakfast Establishment

- (A) Bed and breakfast establishments, as defined under Article 2 of this Joint Zoning Ordinance shall be permitted by as follows:
- (1) A bed and breakfast establishment shall be permitted by special exception within the RC, R-1, R-2, R-3, R-4 and C-1 Zoning Districts of Lower Alsace Township.
 - (2) A bed and breakfast establishment shall be permitted by special exception within the Carsonia Avenue Overlay District of Lower Alsace Township and Mount Penn Borough.
 - (3) A bed and breakfast establishment shall be permitted by special exception within and the Perkiomen Avenue Overlay District of Mount Penn Borough.
 - (4) A bed and breakfast establishment shall be permitted by conditional use within the Historic Overlay District of Lower Alsace Township and Mount Penn Borough.
- (B) The following lot area and dimensional requirements shall apply to a bed and breakfast establishment:
- (1) The bed and breakfast establishment shall be located on a conforming lot that meets the minimum lot area requirements of the underlying zoning district or overlay district on which it is located.
 - (2) The bed and breakfast establishment shall comply with the dimensional, height and coverage requirements of the zoning district on which it is located.
- (C) The following standards and specifications shall be required for bed and breakfast establishment:
- (1) The bed and breakfast establishment shall be contained within a single-family detached, owner-occupied dwelling unit. The principal use shall remain that of a single-family detached residential dwelling unit.
 - (2) The bed and breakfast establishment shall be serviced by public sanitary sewer facilities or on-lot sewage disposal facilities, which shall be planned in accordance with the most recent update to the municipality with jurisdiction Sewage Facilities Plan as well as any ordinances adopted by the municipality with jurisdiction. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) The bed and breakfast establishment shall be serviced by public water supply facilities or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by the municipality with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (4) The operator of the bed and breakfast establishment shall be a permanent resident of said facility. Non-resident employees shall be restricted to two (2) employees in addition to the resident members of the family.
 - (5) A tourist or bed and breakfast establishments shall not have more than five (5) rental units and shall not house more than ten (10) guests.
 - (6) Exterior and interior alterations shall be limited to those customarily associated with a residential use, as may be required by the Uniform Construction Code, the Pennsylvania Department of Labor and Industry and/or other code requirements specified by the agency with jurisdiction. Fire escapes, external stairways or additional external doors shall be located on either on the side or rear of the residence.
 - (7) Active outdoor recreation amenities, such as swimming pools and tennis courts shall be opened only between 9:00 am to 10:00 pm, unless the applicant can demonstrate that extended hours will not cause adverse noise or lighting impacts on adjacent residential properties.
 - (8) The principal residential use or single-family detached dwelling shall contain complete sanitary sewage disposal services, washing and bathing facilities, and a central kitchen with partial or complete cooking facilities to accommodate the occupants plus all of the guests. No cooking facilities of any kind shall be permitted in any rental units.

- (9) The length of stay for any guest at a bed and breakfast establishment shall not exceed fourteen (14) consecutive days.
 - (10) The applicant shall provide documentation to the municipality with jurisdiction that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer, and similar facilities comply with all applicable ordinances, regulations and laws of the municipality with jurisdiction and/or the Commonwealth of Pennsylvania.
 - (11) A minimum of two (2) off-street parking spaces shall be required for the owners of the single-family detached dwelling plus one (1) space for each of the rental units. The proposed off-street parking spaces shall be located at least twenty (20) feet from all property lines and shall comply with the design requirements specified under Article 8 of this Joint Zoning Ordinance.
 - (12) A single decorative sign, measuring four (4) square feet per side shall be permitted. The proposed sign shall be subject to all other requirements specified under Article 9 of this Joint Zoning Ordinance.
- (D) All bed and breakfast establishments shall be subject to an annual inspection by the appointed code officer of the municipality with jurisdiction.
 - (E) As part of the special exception application or the conditional use application, the municipality with jurisdiction may impose other requirements deemed necessary or appropriate.

Section 608: Business, Professional and Governmental Offices

- (A) Business, professional and governmental offices, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
 - (1) Business, professional and governmental offices containing less than 10,000 cumulative square feet of gross floor area on a lot shall be permitted by right within the C-1 and C-2 Zoning Districts.
 - (2) Business, professional and governmental offices containing less than 10,000 cumulative square feet of gross floor area on a lot shall be permitted by right within the Carsonia Avenue Overlay District and the Perkiomen Avenue Overlay District.
 - (3) Business, professional and governmental offices containing 10,000 cumulative square feet or more of gross floor area on a lot shall be permitted by conditional use within the C-1 and C-2 Zoning Districts.
 - (4) Business, professional and governmental offices containing 10,000 cumulative square feet or more of gross floor area on a lot shall be permitted by conditional use within Carsonia Avenue Overlay District and the Perkiomen Avenue Overlay District.
 - (5) Business, professional and governmental offices shall be permitted by conditional use within the Historic Overlay District.
- (B) The following lot area and dimensional requirements shall apply to a business, professional or governmental office:
 - (1) Business, professional and governmental offices containing less than 10,000 cumulative square feet of gross floor area located in the C-1 and C-2 Zoning Districts shall have a minimum lot area of 10,000 square feet.
 - (2) Business, professional and governmental offices containing 10,000 cumulative square feet or more of gross floor area located in the C-1 and C-2 Zoning Districts shall have a minimum lot area of 20,000 square feet.
 - (3) Business, professional and governmental offices containing less than 10,000 cumulative square feet of gross floor area located within the Carsonia Avenue Overlay District shall have a minimum lot area of 10,000 square feet provided that the provisions of Section 502 of this Joint Zoning Ordinance are applied.

- (4) Business, professional and governmental offices containing 10,000 cumulative square feet or more of gross floor area located within the Carsonia Avenue Overlay District shall have a minimum lot area of 20,000 square feet provided that the provisions of Section 502 of this Joint Zoning Ordinance are applied.
 - (5) Business, professional and governmental offices containing less than 10,000 cumulative square feet of gross floor area located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 5,000 square feet provided that the provisions of Section 505 of this Joint Zoning Ordinance are applied.
 - (6) Business, professional and governmental offices containing 10,000 cumulative square feet or more of gross floor area located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 10,000 square feet provided that the provisions of Section 505 of this Joint Zoning Ordinance are applied.
 - (7) The business, professional and governmental office shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the business, professional and governmental office is located.
- (C) The following standards and specifications shall be required for business and professional offices:
- (1) The use shall be serviced by public sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) All means of ingress and/or egress shall be located and designed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) As part of the conditional use application and/or land development application, the governing body with municipal jurisdiction may impose other requirements deemed necessary or appropriate.
- (E) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 609: Campgrounds

- (A) Campgrounds, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by conditional use within the RC, R-1 and R-2 Zoning Districts, subject to the appropriate provisions specified in this Joint Zoning Ordinance.
- (B) The following lot area and dimensional requirements shall apply to campgrounds:
 - (1) A campground shall have a minimum lot area of twenty (20) acres of contiguous land area.
 - (2) The following minimum and maximum dimensional requirements shall apply to a campground:
 - (a) The front yard setback shall be at least one hundred (100) feet from the legal right-of-way line.
 - (b) The side yard setback shall be at least one hundred (100) feet for each side.
 - (c) The rear yard setback shall be at least one hundred (100) feet.
 - (d) Common facilities and uses within the commercial campgrounds shall be located at least one hundred (100) feet from a lot containing an existing residential use.
 - (e) The maximum height of the buildings shall be no more than thirty-five (35) feet.
 - (f) The maximum building coverage shall be no more than ten (10) percent of the approved lot.
 - (g) The maximum lot coverage shall be no more than twenty (20) percent of the approved lot.
 - (3) No temporary or permanent campsite shall be located closer than one hundred (100) feet from any adjoining property line or street right-of-way line.
- (C) The following principal and accessory uses shall be permitted within a campground:
 - (1) The permitted principal uses within the campground shall be limited to: individual campsites; one (1) single family detached unit; one (1) retail store with sales limited to items for the convenience of campers; an office; maintenance and storage buildings; and other similar uses approved by the governing body as part of the conditional use application.
 - (2) Accessory uses within the commercial campground shall be limited to: cafeterias; recreational uses; educational uses; and other similar uses that are determined appropriate by the governing body as part of the conditional use application. The accessory uses shall be considered accessory uses that directly benefit the visitors of the commercial campground
- (D) The following design standards and specifications shall apply to commercial campgrounds:
 - (1) The campground shall be serviced by public sanitary sewer facilities or on-lot sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The campground shall be serviced by public water supply facilities or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All uses within the campground shall be harmoniously planned as a community for vacation, retreats and temporary occupancy. As part of the conditional use application, the applicant or developer shall identify the locations of all permanent and temporary uses and demonstrate how these uses can be amicably planned considering their function and appearance.

- (4) Campsites for tents shall be limited to thirty (30) tents per acre.
- (5) Campsites for recreational vehicles shall be limited to fifteen (15) pads or sites per acre.
- (6) No permanent structures shall be permitted on any campsite lot other than approved utility provisions.
- (7) Except for the landowner and manager, no permanent occupancy shall be permitted on the campgrounds.
- (8) Campsites and recreation vehicles shall not be parked or stored on areas classified as the 100-year floodplain, delineated wetlands and/or Category 3 Slopes.
- (9) Recreational vehicles shall not be stored on the grounds of the commercial campgrounds for a period of one hundred and eighty (180) cumulative days within a calendar year.
- (10) No part of any campground area shall be used for non-residential purposes, except those purposes required for serving the well-being of the campground customers and for the management and maintenance of the campground.
- (11) Unless otherwise required by the utility company or authority providing service, all uses within the commercial campgrounds shall have individual utility connections and shall be installed underground.
- (12) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (13) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (14) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (15) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of recreation vehicle, camper and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (16) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and all adjacent residential uses.
- (17) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (18) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the conditional use application, the governing body with municipal jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan or building permit application.
- (F) If the governing body approves the conditional use application, a complete land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the municipality with jurisdiction. The governing body may waive this requirement pursuant to the provisions established by the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.

Section 610: Club, Lodge or Social Quarters

- (A) Clubs, lodges and social quarters, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by conditional use within the Carsonia Avenue Overlay District, Perkiomen Avenue Overlay District and Spook Lane Overlay District.
- (B) The following lot area and dimensional requirements shall apply to a club, lodge or social quarters:
- (1) The club, lodge or social quarters shall comply with the following lot area requirements:
 - (a) A club, lodge or social quarters located within the Carsonia Avenue Overlay District shall have a minimum lot area of 20,000 square feet provided that the provisions of Section 502 of this Joint Zoning Ordinance are applied.
 - (b) A club, lodge or social quarters located within the Carsonia Avenue Overlay District shall have a minimum lot area of 10,000 square feet provided that the provisions of Section 505 of this Joint Zoning Ordinance are applied.
 - (c) A club, lodge or social quarters located within the Spook Lane Overlay District shall have a minimum lot area of five (5) acres provided that the provisions of Section 507 of this Joint Zoning Ordinance are applied.
 - (2) Based upon its location, the club, lodge or social quarters shall comply with the minimum and maximum dimensional requirements that are specified by the Carsonia Avenue Overlay District, Perkiomen Avenue Overlay District or Spook Lane Overlay District.
- (C) The following standards and specifications shall be required for clubs, lodges and social quarters:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) Provisions for recreation facilities and uses shall comply with provisions specified under Section 644 of this Joint Zoning Ordinance.
 - (5) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (6) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (7) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (8) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (9) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.

- (D) As part of the conditional use application, the governing body with municipal jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.
- (E) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 611: Commercial Water Resource Use

- (A) Commercial water resource uses, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by special exception within the R-2 Zoning District, subject to the provisions specified within this Joint Zoning Ordinance.
- (B) Commercial water resource uses shall be limited to: groundwater extraction and exportation operations; surface water extraction and exportation operations; bottling and distribution facilities; and other similar uses, as determined by the appointed Zoning Officer with municipal jurisdiction.
- (C) The following lot area and dimensional requirements shall apply to a commercial water resource use:
 - (1) The commercial water resource use shall have a minimum lot area of ten (10) acres.
 - (2) The following minimum and maximum dimensional requirements shall apply to a commercial water resource use:
 - (a) The principal building occupied by the commercial water resource use shall be located at least one hundred (100) feet from all street right-of-way lines and all other property lines.
 - (b) All accessory buildings or structures shall be located at least one hundred (100) feet from all street right-of-way lines and all other property lines.
 - (c) All intake devices, wells and pumps associated with the commercial water resource use shall be located at least two hundred (200) feet from all property lines and street right-of-way lines.
 - (d) The maximum height of the buildings and structures shall be no more than fifty (50) feet.
 - (e) The maximum building coverage shall be no more than ten (10) percent of the lot area.
 - (f) The maximum lot coverage shall be no more than twenty (20) percent of the lot area
- (D) The following design standards and specifications shall apply to a commercial water resource use:
 - (1) The use shall be serviced by public sanitary sewer facilities or on-lot sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by the municipality with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) The commercial water resource use shall be approved and permitted by the appropriate local, state and federal regulatory agencies.

- (5) The commercial water resource use shall not disrupt, alter or create any adverse impacts to a public or private water supply system.
 - (6) The perimeter of the facility operations shall be completely enclosed by a security fence, which shall be eight (8) feet in height.
 - (7) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and adjacent residential uses.
 - (8) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (9) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (10) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (11) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (E) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete report, analysis and impact plan of the surface water and groundwater conditions shall be prepared by a professional geologist or hydrogeologist, which meets the following objectives and requirements:
 - (a) The professional geologist or hydrogeologist preparing the report shall certify that the commercial water resource use shall be supplied by a continuous safe daily yield, which will not adversely affect the quantity or quality of the surface water and groundwater table within two thousand (2,000) feet of the source of extraction.
 - (b) If appropriate, a dynamic recovery rate and draw-down tests shall be conducted by the professional geologist or hydrogeologist preparing the report to determine the maximum safe daily yield of the commercial water resource operations.
 - (c) All such applications for the commercial water resource use shall demonstrate that the adjacent public and private water supply sources will not adversely be affected by discontinued use, contamination, loss of supply, or the ability to properly recharge over time.
 - (d) The professional geologist or hydrogeologist preparing the report shall consult with the municipality with jurisdiction prior to the commencement of the background studies to determine if other conditions should be analyzed as part of the report.
 - (e) The report, analysis and impact plan shall be subject to the review of the appointed engineer of the municipality with jurisdiction, or other professional consultant(s) qualified to render an opinion of the information submitted on behalf of the applicant.
 - (2) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
 - (3) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
 - (4) A preliminary grading plan shall be developed in order to identify the limits of disturbance for all required site improvements.

- (5) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented.
- (6) A Phase I Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented.
- (F) As part of the special exception application, the Zoning Hearing Board with municipal jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and land development plan.
- (G) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the municipality with jurisdiction.

Section 612: Conservation Uses

- (A) Conservation uses, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
 - (1) Conservation uses shall be permitted by right within the RC and R-1 Zoning Districts.
 - (2) Conservation uses shall be permitted by special exception within the R-2 and R-3 Zoning Districts.
- (B) The following lot area and dimensional requirements shall apply to conservation uses:
 - (1) Conservation uses located within the RC and R-1 Zoning Districts shall have a minimum of five (5) acres of contiguous land area.
 - (2) Conservation uses located within the R-2 and R-3 Zoning Districts shall have a minimum of one (1) acre of contiguous land area.
 - (3) All conservation uses devoted to improved educational and recreational facilities shall be located at least fifty (50) feet from all street right-of-way line and property lines.
 - (4) All conservation uses devoted to the preservation of natural features and open space shall have no setback limitations.
- (C) The following standards and specifications shall be required for conservation uses:
 - (1) The conservation use shall be devoted to the preservation and utilization of land and surface water as wildlife habitats, forests, farmland, meadows, wetlands, lakes, streams, rivers, and other similar uses or features that involve no site improvements other than those required for education, recreation or municipal uses.
 - (2) The area occupied by the conservation use shall be owned, operated and/or maintained by an established conservation management group, governmental or non-profit organization that has adequate capacities and resources. All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of the municipality with jurisdiction.
 - (3) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.

- (4) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (5) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (D) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction

Section 613: Day Care Facilities and Uses

- (A) The term “day care facilities” shall include “home day care” and “commercial day care centers” are further defined under Article 2 of this Joint Zoning Ordinance.
- (B) The provisions for home day care uses are further specified under Section 613.1 of this Joint Zoning Ordinance.
- (C) The provisions for commercial day care centers are further specified under Section 613.2 of this Joint Zoning Ordinance.

Section 613.1: Home Day Care

- (A) Home day care facilities conducted as a home use or occupation shall be permitted by special exception within the RC, R-1, R-2 and R-3 Zoning Districts.
- (B) For the purposes of this Joint Zoning Ordinance, “home day care” shall be synonymous with “family day care”.
- (C) Home day care shall be permitted on a conforming lot occupied by a single family detached dwelling that complies with the minimum and maximum dimensional requirements established of the zoning district on which it is located.
- (D) The maximum number of children to be cared for within a home day care shall be limited to six (6) children, who are unrelated to the resident caregiver. The total occupancy of the home day care use shall be limited to eight (8) children at any given time.
- (E) The use shall be located and conducted within the single family detached dwelling, except for a designated outdoor play area meeting the following requirements:
 - (1) The single family dwelling shall be either serviced by public sanitary sewage facilities or with an on-lot sewage disposal system with sufficient capacities.
 - (2) The single family dwelling shall be either serviced by public water supply facilities or with an on-lot well with sufficient capacities.
 - (3) The internal facilities should be of adequate size to accommodate all of the children receiving care plus the occupants of the single family dwelling.
 - (4) Common areas and facilities should be designated within the single family dwelling.
 - (5) The outdoor recreation area shall be located within the side or rear yard of the property and have sufficient size to accommodate six (6) children at once. The designated outdoor play area shall be planted and maintained in grass, lawn or other pervious material, which shall be enclosed with a continuous fence with a height four (4) feet and self-latching gate.
 - (6) All designated internal and external areas for the home day care shall be physically separated by a distance of fifty (50) feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets, and other areas that may be considered hazardous to children.

- (F) At least two (2) off-street parking spaces shall be designated for the single-family detached residential use. In addition to these spaces, an off-street pick-up and drop-off area shall be designated and maintained for the discharge and collection of children.
- (G) The home day care and use shall comply with all specifications, standards and licenses, which are required by Lower Alsace Township, Mount Penn Borough, Pennsylvania Department of Public Welfare, or other agencies having jurisdiction.
- (H) As part of the special exception application, the applicant shall provide the necessary credentials that are required to conduct the home day care use in accordance with local state and federal laws.
- (I) As part of the special exception application, the Zoning Hearing Board with municipal jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 613.2: Commercial Day Care Centers

- (A) Commercial day care centers, as defined under Article 2 of this Zoning District, shall be permitted as follows:
 - (1) A commercial day care shall be permitted as a principal or accessory use by special exception within the C-1 and C-2 Zoning Districts.
 - (2) A commercial day care shall be permitted as a principal or accessory use by conditional use within the Historic Overlay District.
- (B) For the purposes of this Joint Zoning Ordinance, “commercial day care center” shall be synonymous with “day care center”.
- (C) The following lot area and dimensional requirements shall apply to a commercial day care center:
 - (1) A commercial day care center designated as a principal use shall be located on a lot with minimum area of 20,000 square feet. The building occupied by the commercial day care center use shall comply with the minimum and maximum dimensional, height and coverage requirements specified for a commercial day care center within the C-1 and C-2 Zoning Districts.
 - (2) A commercial day care center designated as an accessory or subordinate use shall be located on a conforming lot and contained within a building occupied by a permitted commercial use, school, church or religious facility, hospital or medical facility, municipal facility, or other institutional use, which shall meet the minimum and maximum dimensional, height and coverage requirements of the C-2 Zoning District.
 - (3) A commercial day care located within the Historic Overlay District shall comply with the provisions of Section 504 of this Joint Zoning Ordinance.
- (D) Commercial day care centers shall be capable of providing supplemental parental care and supervision and/or instruction to seven (7) or more children or adults simultaneously, who are not related to the caregiver or operator on a daily basis. All such facilities shall be licensed and approved by the Commonwealth of Pennsylvania.
- (E) The following standards and specifications shall be required for commercial day care centers:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service,
- (4) The internal facilities should be of adequate size to accommodate all of the children or adults receiving day care services plus the occupants of the principal or secondary use. Common areas and facilities should be designated within the approved facility.
- (5) The outdoor recreation area shall be located within the side or rear yard of the property and have sufficient size to accommodate all of the children or adults receiving care. The designated outdoor play area shall be planted and maintained in grass, lawn or other pervious materials, which shall be enclosed with a continuous fence with a height four (4) feet and self-latching gate.
- (6) All designated internal and external areas for the facility shall be physically separated by a distance of fifty (50) feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets, and other areas that may be considered hazardous to children.
- (7) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (8) All means of ingress and/or egress shall be located and designed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (9) The off-street parking area shall comply with the provisions of Article 8 of this Joint Zoning Ordinance. In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pick-up and drop-off area measuring ten (10) feet in width and sixty (60) feet in length shall be designated and maintained for the discharge and collection of children or adults. The designated pick-up and drop-off area shall be marked by signs and physically removed from any required parking area, loading area, fire lane, and all points for vehicular access providing ingress and egress to the facility.
- (10) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (F) The commercial day care facility shall comply with all specifications, standards and licenses, which are required by Lower Alsace Township, Mount Penn Borough, Pennsylvania Department of Public Welfare, or other regulatory agencies having jurisdiction.
- (G) As part of the special exception application, the applicant shall provide the necessary credentials that are required to conduct the commercial day care use in accordance with local state and federal laws. The principal care givers at the commercial day care facility shall be identified and their credentials shall be submitted to the municipality with jurisdiction for review and consideration.
- (H) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 614: Dry Cleaners and Laundromats

- (A) Dry cleaners and laundromats, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by right within the C-1 and C-2 Zoning Districts.
- (B) The following lot area and dimensional requirements shall apply to a dry cleaner or laundromat:
 - (1) A dry cleaner or laundromat shall have a minimum lot area of 10,000 square feet.
 - (2) The dry cleaner or laundromat shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.

- (C) The following standards and specifications shall be required for dry cleaner or laundromat:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) Dry cleaners and laundromats with drive-through facilities shall be permitted by special exception and shall be subject to the provisions of Sections 806 and 1107 of this Joint Zoning Ordinance.
 - (5) Ventilation outlets associated with the dry cleaner and/or laundromat shall be located at least fifty (50) feet from all street right-of-way lines and all other property lines. All emissions shall comply with all state and federal air quality standards.
 - (6) All means of ingress and/or egress shall be located and designed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (7) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (8) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (9) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (10) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 615: Emergency Services Facility

- (A) Emergency services facility, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by right in the R-3, R-4, R-5, C-1, C-2 and I-1 Zoning Districts, subject to the provisions of this Joint Zoning Ordinance.
- (B) The following provisions shall apply to the principal and accessory uses of the emergency services facility:
- (1) The principal use shall be devoted to emergency response or emergency management services, including structures and facilities for fire departments, police stations, ambulance stations, emergency management operations and community response networks
 - (2) Accessory or uses within the buildings occupying the emergency services operation shall be limited to: administrative offices; cafeterias; banquet facilities; social quarters; recreational uses; day care facilities; and other similar uses. The cumulative gross floor area for all such accessory uses shall not occupy more than

fifty (50) percent of the cumulative gross floor area of all uses within the emergency service facility. The accessory uses shall be considered accessory uses that directly benefit the emergency service facility. All designated accessory uses and buildings shall be located at least twenty (20) feet from all property lines and street right-of-way lines

- (C) The following lot area and dimensional requirements shall apply to an emergency service facility:
- (1) An emergency service facility shall have a minimum lot area of 10,000 square feet.
 - (2) An emergency service facility shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
- (D) The following standards and specifications shall be required for emergency services operations:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 616: Forestry

- (A) Forestry, as defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as a use by right within the RC, R-1, R-2, R-3, R-4, R-5, C-1, C-2 and I-1 Zoning Districts.
- (B) Intent: The intent of these regulations is to conserve forested open space and its environmental, economic, recreational, wildlife, and amenity values by promoting good forest stewardship; protecting the rights of adjoining property owners; and minimizing the potential for adverse environmental impacts.

- (C) Application: The regulations specified under this section shall apply to all timber harvesting within the municipality where the project area exceeds two (2) acres for clear cutting operations and five (5) acres for selective cutting operations. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement. These provisions apply to privately and publicly owned property. These provisions shall also apply to any site where there will be clearing of trees for any purpose, if lumber will be removed from the site.
- (D) Notification Requirements: The following provisions shall apply to the notification requirements for logging or timber harvesting:
- (1) For all timber harvesting operations with a project area exceeding two (2) acres for clear cutting operations and five (5) acres for selective cutting operations, the landowner shall notify The municipality with jurisdiction at least fourteen (14) days prior to the commencement of the site activities and at least five (5) days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
 - (2) A logging or timber harvesting plan shall be prepared by a qualified professional. The provisions of the plan shall be followed throughout the logging or timber harvesting operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request. The plan shall incorporate Best Management Practices (BMP's) for forestry found in the publications "Best Management Practices for Pennsylvania Forests," "Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands," and "Controlling Erosion and Sedimentation from Timber Harvesting Operations."
 - (3) The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- (E) Plan Requirements: The logging or timber harvesting plan shall contain the following:
- (1) The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - (2) The design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.
 - (3) The design, construction, and maintenance of stream and wetland crossings.
 - (4) A description of the general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
 - (5) A location map depicting the entire tract of land and specific areas of the logging or timber harvesting activities.
 - (6) Significant topographic features related to potential environmental and ecological problems.
 - (7) The location of all earth disturbance activities such as roads, landings, and water control measures and structures.
 - (8) The location of all perennial surface waters and wetland areas.
 - (9) The location of local and state road highways, including all proposed access roads.
- (F) State Requirements: The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
- (1) Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. Section 691.1, et seq.). An approved conservation plan or an erosion and sedimentation control plan shall be maintained on-site.

- (2) Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. Section 693.1, et seq.).
 - (3) Relationships of state laws, regulations, and permits to the logging plan.
 - (4) Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the general requirements for the logging plan and associated map, as specified by Section 616 of this Joint Zoning Ordinance, provided that all information required has been included or attached.
- (G) General Requirements: The following specific requirements shall apply to all timber harvesting operations:
- (1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the affected thoroughfare.
 - (2) No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property.
 - (3) All tops and slash between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the ground.
 - (4) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - (5) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
 - (6) Skid trail, skid road, haul road, and landing area design shall be consistent with local and state guidelines.
 - (7) Hours during which harvesting can occur are subject to approval of the municipality with jurisdiction.
 - (8) Landing and staging areas as well as haul and skid roads shall be restored and reseeded after the harvest is complete. Site access roads shall be closed to the general public.
- (H) Public Roads: Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to public roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

Section 617: Funeral Home

- (A) Funeral home, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by special exception within the C-1 and C-2 Zoning Districts, the Carsonia Avenue Overlay District and the Perkiomen Avenue Overlay District.
- (B) The following lot area and dimensional requirements shall apply to a funeral home:
- (1) A funeral home located within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 20,000 square feet.
 - (2) A funeral home located within the Carsonia Avenue Overlay District shall have a minimum lot area of 20,000 square feet provided that the provisions of Section 502 of this Joint Zoning Ordinance are applied.
 - (3) A funeral home located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 10,000 square feet provided that the provisions of Section 505 of this Joint Zoning Ordinance are applied.

- (4) The funeral home shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the funeral home is located.
- (C) The following standards and specifications shall be required for funeral homes:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (3) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (4) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (5) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (6) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (7) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use
- (D) As part of the special exception application and/or land development plan, the applicant shall provide evidence that the use or activities comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report.
- (E) As part of the special exception application and/or land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.
- (F) If the special exception is approved, a land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction

Section 618: Garage Parking Facility

- (A) Garage parking facility, as further defined under Article 2 of this Joint Zoning Ordinance shall be permitted by special exception within the C-1 and C-2 Zoning Districts, the Carsonia Avenue Overlay District and the Perkiomen Avenue Overlay District.
- (B) The following lot area and dimensional requirements shall apply to a garage parking facility:

- (1) A garage parking facility located within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 20,000 square feet.
 - (2) A garage parking facility located within the Carsonia Avenue Overlay District shall have a minimum lot area of 20,000 square feet provided that the provisions of Section 502 of this Joint Zoning Ordinance are applied.
 - (3) A garage parking facility located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 10,000 square feet provided that the provisions of Section 505 of this Joint Zoning Ordinance are applied.
 - (4) The garage parking facility shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the garage is located.
 - (5) The garage parking facility may include a building or structure designed as a parking garage or open parking lot that is designated to facilitate the parking demand of a principal use, which shall be located no more than 1,000 linear feet of the garage parking facility.
- (C) The following standards and specifications shall be required for a garage parking facility:
- (1) The garage parking facility or the designated principal use of the garage parking facility shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The garage parking facility or the designated principal use of the garage parking facility shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) Any booths or other structures utilized for the collection of admission and/or parking fees shall be setback and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees, such as by roaming parking lot attendants, shall be conducted in such a manner as to prevent vehicle backups on adjoining roads.
 - (6) The landowner and operator of the garage parking facility shall be responsible to resolve, mitigate and/or correct any traffic congestion problems that occur on public roads, which are related to the points of ingress and egress to the garage parking facility.
 - (7) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (8) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (9) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (10) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.

- (D) As part of the special exception application and/or land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report.
- (E) As part of the special exception application and/or land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.
- (F) If the special exception is approved, a land development plan shall be submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction

Section 619: Grocery Store

- (A) Grocery store, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
 - (1) A grocery store containing less than 5,000 square feet of gross floor area shall be permitted by right within the C-1 and C-2 Zoning Districts.
 - (2) A grocery store containing 5,000 or more square feet of gross floor area shall be permitted by special exception within the C-1 and C-2 Zoning Districts.
- (B) The following lot area and dimensional requirements shall apply to a grocery store:
 - (1) A grocery store containing less than 5,000 square feet of gross floor area shall have a minimum lot area of 10,000 square feet.
 - (2) A grocery store containing 5,000 or more square feet of gross floor area shall have a minimum lot area of 20,000 square feet.
 - (3) The grocery store shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
 - (4) The grocery store exceeding 50,000 square feet of gross floor area and/or contains five (5) or more uses on the same lot shall be designed as a shopping center or shopping mall in accordance with the provisions specified under Section 653 of this Joint Zoning Ordinance.
- (C) The following standards and specifications shall be required for a grocery store:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) A grocery store may include the retail sale of food, groceries, beverages, household products, flowers, automobile fuels and accessories, pet supplies, personal hygiene products, health care products, pharmaceuticals, newspapers, magazines, periodicals and /or other similar items.
 - (5) All merchandise or retail items sold on the premises shall not occupy any required off-street parking spaces.

- (6) Ventilation outlets associated with the grocery store shall comply with all state and federal air quality and emission standards
- (7) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (8) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (9) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (10) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (11) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 620: Group Homes

- (A) Group Homes, as defined under Article 2 of this Joint Zoning Ordinance, are permitted by special exception within the R-1, R-2, R-3, R-4 and R-5 Zoning Districts.
- (B) All group homes shall be designed and contained within a single-family detached dwelling unit located on an approved lot that complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the zoning district on which the single-family dwelling is located.
- (C) The supplemental matrix charts contained within Article 4 of this Joint Zoning Ordinance provides the basic utility requirements (sewer and water facilities) for each permitted use by its assigned zoning district. The following specific provisions shall apply to utility provisions for group homes:
 - (1) The use shall be serviced by sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (D) All group homes shall be designed in accordance with the following general standards and requirements:
 - (1) The sponsoring social service agency shall provide documentation to the municipality with jurisdiction that the group home has been certified as an approved use within the Commonwealth of Pennsylvania.
 - (2) No group home shall have more than five (5) unrelated residents at any given time period.

- (3) A site plan or land development plan shall be accurately prepared to scale depicting the location and the dimensions of the group home, off-street parking areas, private entrances, walkways, fencing and landscaping.
 - (4) Architectural plans shall be prepared to scale depicting the dimensions, intended use and square footage of each room and storage area within the group home.
 - (5) No group home shall be located within 1,500 linear feet of another group home.
 - (6) The premises at which the group home is located shall be owned or leased by the licensed social services agency sponsoring the group home.
 - (7) No more than two (2) live-in supervisors shall reside in a group home.
 - (8) The only physical changes or alterations to the dwelling shall be those required by state and federal law. When the group home use is abandoned, the dwelling shall be restored to a single-family dwelling unit.
 - (9) One (1) off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees that could be present at any given time, plus one (1) space for each two (2) persons within the group home. Garage space shall not be used in calculating off-street parking.
 - (10) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (11) The sponsoring social service agency shall provide documentation to the municipality with jurisdiction that all building, fire, plumbing, heating, electrical and similar facilities meet the standards established by the municipality with jurisdiction and by the Commonwealth of Pennsylvania.
 - (12) The sponsoring social service agency shall be responsible for the physical safety and emotional support of the residents within the group home. A point of contact and/or designated counselor should be available twenty-four (24) hours per day, seven (7) days per week. Likewise, immediate contact with the sponsoring social service agency should be made available to the municipality with jurisdiction.
 - (13) The sponsoring shall provide the municipality with jurisdiction with a list of tenants who reside within the group home. Any change in occupancy shall be reported to the municipality with jurisdiction.
 - (14) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to the municipality with jurisdiction for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted and a copy shall be issued to the social workers and tenants of the group home.
 - (15) The rear yard of the property shall contain a minimum of two hundred and fifty (250) square feet of land area, which shall be capable of accommodating six (6) persons at once.
- (E) As part of the special exception application, the Zoning Hearing Board may impose other requirements deemed necessary or appropriate.
- (F) All group homes shall be subject to an annual inspection by the municipality with jurisdiction to determine if the site and building conditions are in accordance with all permits and approvals.

Section 621: Health Club or Fitness Center

- (A) A health club or fitness center, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) Health clubs or fitness centers shall be permitted as a principal or accessory use by right within the C-1 and C-2 Zoning Districts.

- (2) Health clubs or fitness centers shall be permitted as an accessory use by right within the C-1 and C-2 Zoning Districts and the Spook Lane Overlay District.
- (B) The following provisions shall apply to the principal and accessory uses of the health club or fitness center:
- (1) The principal use shall be the health clubs or fitness center.
 - (2) Accessory or subordinate uses contained within a building occupied by the health club or fitness centers shall be limited to: administrative offices; fitness equipment facilities; sports training facilities; therapeutic spas; aerobic training facilities; cardiovascular training facilities; swimming pools; racquetball courts; tennis courts; volleyball courts; and/or other similar uses. The accessory uses shall only be made available to the members of the health club or fitness center.
 - (3) Recreation facilities located outside of the building occupied by health club or fitness center may be permitted as an accessory or subordinate use, provided that such uses are limited to: basketball courts; baseball and softball fields; tennis courts; volleyball courts; swimming pools; walking, running or fitness trails; bicycle trails; hockey rinks; and/or other similar recreation facilities. The outdoor recreation facilities shall only be made available to the members of the recreation health club or fitness center.
- (C) The following lot area and dimensional requirements shall apply to a health club or fitness center:
- (1) A health club or fitness center designated as a principal use shall have a minimum lot area of 10,000 square feet. The building occupied by the health club or fitness center shall comply with the minimum and maximum dimensional, height and coverage requirements specified for the C-1 and C-2 Zoning Districts
 - (2) A health club or fitness center designated as an accessory or subordinate use shall be located on a conforming lot and contained within a building occupied by a permitted commercial use, school, church or religious facility, hospital or medical facility, hotel or motel, municipal facility, or other institutional use, which shall meet the minimum and maximum dimensional, height and coverage requirements of the C-1 and C-2 Zoning Districts and the Spook Lane Overlay District.
 - (3) All active recreation facilities and uses located outside of the principal building shall be located at least fifty (50) feet from any street right-of-way line and property line.
 - (4) All passive recreation facilities and uses located outside of the principal building shall be located at least twenty (20) feet from any street right-of-way line and property line.
- (D) The following standards and specifications shall be required for health clubs or fitness centers:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.

- (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use
- (E) A land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all provisions adopted by the municipality with jurisdiction.

Section 622: Home Improvement and Building Supply Store

- (A) Home improvement and building supply store, as defined under Article 2 shall be permitted by right within the C-1 and C-2 Zoning Districts.
- (B) The following lot area and dimensional requirements shall apply to a home improvement and building supply store:
 - (1) A home improvement and building supply store shall have a minimum lot area of 10,000 square feet.
 - (2) The home improvement and building supply store shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
 - (3) Exterior storage areas for materials and equipment shall be located at least twenty (20) feet from all property lines and street right-of-way lines.
- (C) The following standards and specifications shall be required for a home improvement and building supply store:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) All exterior storage areas shall be permanently secured by a fence having a maximum height of six (6) feet.
 - (5) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (6) Drive-through service or loading facilities shall be designed with sufficient on-site stacking or queuing lanes in order to prevent the traffic congestion and/or the back-ups onto adjoining roads or adjacent properties.
 - (7) All drilling, cutting, sawing, mixing, crushing and/or preparation of building materials shall be conducted within an enclosed building.
 - (8) All testing or repair of motorized equipment shall be conducted within an enclosed building.

- (9) The use and related activities shall not emit noise, glare, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat and/or other perceptible or objectionable nuisances that would impact neighboring properties, or be noticeable at or beyond the property line.
- (10) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (11) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (12) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (13) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (E) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 623: Home Occupation

- (A) For the purposes of this Joint Zoning Ordinance, the term “home occupation”, has been further defined and classified under two (2) separate categories for regulating home occupations as a use within the municipality with jurisdiction.
- (B) The provisions for a Category 1 Home Occupation are further defined and specified under Section 623.1 of this Joint Zoning Ordinance.
- (C) The provisions for a Category 2 Home Occupation are further defined and specified under Section 623.2 of this Joint Zoning Ordinance.

Section 623.1 Category 1 Home Occupation

- (A) Category 1 Home Occupations, as defined under Article 2 of this Joint Zoning Ordinance shall be permitted as an accessory use by right within the RC, R-1, R-2, R-3, R-4, R-5, C-1, C-2 and I-1 Zoning Districts.
- (B) The following standards and specifications shall be required for a Category 1 Home Occupation:
 - (1) The home occupation shall be conducted within an approved residential dwelling unit, which complies with the minimum and maximum dimensional requirements of the zoning district to which the use is located.
 - (2) The home occupation shall be conducted only within the residential dwelling and may not occupy more than thirty (30) percent of the gross floor area of the residential dwelling unit. Accessory buildings to the residential use may be utilized for storage space and shall not account towards the occupancy of a home occupation use.
 - (3) The home occupation shall include only lawful uses, which shall be clearly secondary to the residential use and shall be compatible with surrounding residential uses.
 - (4) The home occupation shall employ no employees other than family members residing in the dwelling. Employees that do not report to work at the dwelling and only correspond through a communication network (telephone, computer, mail) shall not be considered as an employee of the home occupation use.

- (5) There shall be no visual display or sale of retail goods.
 - (6) There shall be no stockpiling, storage or inventory of products of a substantial nature.
 - (7) There should be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (8) The home occupation may not use any equipment or process, which creates noise, vibration, glare, fumes, odors, electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (9) The home occupation may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (C) If permitted, the Zoning Officer shall issue a zoning permit, which shall be reviewed every five (5) years to determine if the Category 1 Home Occupation is in compliance with the Joint Zoning Ordinance.

Section 623.2 Category 2 Home Occupation

- (A) Category 2 Home Occupations, as defined under Article 2 of this Joint Zoning Ordinance shall be permitted as an accessory use by special exception within the RC, R-1, R-2, R-3, R-4, R-5, C-1, C-2 and I-1 Zoning Districts.
- (B) The following standards and specifications shall be required for a Category 2 Home Occupation:
- (1) The home occupation shall be conducted within an approved single-family detached dwelling unit, which complies with the minimum and maximum dimensional requirements of the zoning district to which the use is located.
 - (2) The home occupation shall be conducted only within the dwelling or an approved accessory structure, which may not occupy more than forty (40) percent of the gross floor area of the single-family detached residential unit or no more than 1,200 square feet of an accessory structure.
 - (3) The home occupation shall include only lawful uses, which shall be clearly secondary to the residential use and shall be compatible with surrounding residential uses. The exterior appearance shall be maintained as a single-family detached residential use.
 - (4) The home occupation shall be limited to the family members residing within the dwelling plus two (2) additional persons to provide support services and assistance. Employees that do not report to work at the dwelling and only correspond through a communication network (telephone, computer, mail) shall not be considered as an employee of the home occupation use.
 - (5) There shall be no visual display or sale of retail goods.
 - (6) There shall be no stockpiling, storage or inventory of products of a substantial nature that would create an appearance that the home occupation use has overtaken the residential use as the principal use.
 - (7) The home occupation may not use any equipment or process, which creates noise, vibration, glare, fumes, odors, electrical or electronic interference, including interference with radio or television reception, which is detectable at the property lines.
 - (8) No manufacturing, repairing or other mechanical work shall be performed in any open area. All such activities shall be conducted in such a manner that they are not detectable or noticeable at or beyond the property line.
 - (9) The capacities of the public sewage disposal system or on-lot sewage disposal system shall be evaluated in terms of their abilities to serve the residential use along with the home occupation. Where appropriate, the provisions for additional sewage disposal capacities should be reserved, designed, installed and connected to accommodate the projected demand.

- (10) The capacities of the public water supply system or on-lot well shall be evaluated in terms of their abilities to serve the residential use along with the home occupation. Where appropriate, the provisions for additional water supply capacities should be considered in order to provide a dependable supply of water without adversely affecting other uses.
 - (11) The home occupation may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - (12) No more than one (1) Category 2 Home Occupation shall be permitted per residential unit.
 - (13) An off-street parking area shall be provided to meet the following requirements: two (2) parking spaces shall be provided for the residential use; one (1) parking space shall be provided for each employee not residing within the dwelling; and no more than two (2) parking spaces shall be provided for guests or patrons. The maximum number of off-street parking spaces shall be limited to six (6) parking spaces, which shall not include any garage spaces and shall be designed to comply with the appropriate provisions of Article 8 of this Joint Zoning Ordinance.
 - (14) A sign displaying the name and address of the home occupation may be permitted, subject to the following requirements: no more than one (1) such sign shall be erected on the lot; the area of the sign shall not exceed two (2) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten (10) feet of the cartway.
- (C) As part of the special exception application, the Zoning Hearing Board may consider optional design and development requirements if the standard requirements are determined to be unwarranted or inappropriate based upon the proposed site conditions. If approved, the optional requirements shall be applied to the zoning permit.
 - (D) If required, the Zoning Officer shall issue a zoning permit, which shall be reviewed every five (5) years to determine if the Category 2 Home Occupation is in compliance with the Joint Zoning Ordinance and decision issued by the Zoning Hearing Board.

Section 624: Horseback Riding School and/or Stables

- (A) Horseback riding schools and/or stables, as defined under Article 2 of this Joint Zoning Ordinance shall be permitted as follows:
 - (1) A horseback riding school and/or stable shall be permitted as a principal or accessory use by right within the RC Zoning District.
 - (2) A horseback riding school and/or stable shall be permitted as a principal or accessory use by special exception within the R-1 Zoning District.
 - (3) Horseback riding school and stables may be permitted as either a principal use or a subordinate use in accordance with the provisions of this Joint Zoning Ordinance.
- (B) The following lot area and dimensional requirements shall apply to a horseback riding school and/or stable:
 - (1) A minimum of ten (10) acres of contiguous land area shall be required to exclusively support the horseback riding school and/or stable.
 - (2) The barn or other accessory structures utilized to house the horses shall be located at least fifty (50) feet from any property lines and street right-of-way lines
 - (3) No activities associated with the horseback riding school and/or stable shall be permitted within fifty (50) feet of any property lines or street right-of-way lines.
- (C) The following standards and specifications shall be required for a horseback riding school and/or stable:

- (1) The maximum number of students shall be limited to six (6) equestrian students at any given time.
 - (2) The use shall be served by on-lot sewage disposal facilities with adequate capacities.
 - (3) The use shall be served by on-lot water supply facilities with adequate capacities.
 - (4) Areas designated for training, show, boarding and grazing shall be enclosed by a fence with a minimum height of four (4) feet and maximum height of six (6) feet.
 - (5) The raising and keeping of horses shall be limited based upon owned contiguous acres relating to animal units. The total number of horses raised or kept at the designated area for the horse riding school or stable shall not exceed 2.00 animal units per acre.
 - (6) Horse rides may be offered to the general public. A professional guide shall be responsible to supervise no more than ten (10) riders or customers at any given time.
 - (7) Provisions for off-street parking and access drives shall be considered based upon the use, activities and events that may occur at the site. All proposed off-street parking areas and access drives shall be maintained as mud-free conditions.
 - (8) Horse riding schools shall comply with all local, state and federal laws concerning nutrient management, sewage disposal, water supply, stormwater management, erosion and sedimentation control, air quality management, and vehicular accessibility. Where appropriate, the applicant shall submit plans or other forms of documentation to demonstrate compliance with local, state and federal laws.
- (D) If required, a land development plan shall be submitted to the municipality with jurisdiction for review and consideration.

Section 625: Hospitals and Medical Centers

- (A) Hospitals and medical centers, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) A hospital and medical center shall be permitted by conditional use within the C-1 and C-2 Zoning District.
 - (2) A hospital and medical center shall be permitted by conditional use within and the Carsonia Avenue Overlay District subject to the provisions of Sections 502 and 625 of this Joint Zoning Ordinance.
 - (3) A hospital and medical center shall be permitted by conditional use within and the Perkiomen Avenue Overlay District subject to the provisions of Sections 505 and 625 of this Joint Zoning Ordinance
- (B) The following provisions shall apply to the principal and accessory uses of the hospital or medical center:
- (1) The principal use shall be the hospital or medical center.
 - (2) Accessory or subordinate uses associated with the hospital or medical center shall be limited to: restaurants or cafeterias; administrative offices; retail sales; banks or financial institutions; personal care establishments; commercial day care facilities; recreational uses; educational uses; religious uses; and other similar uses. The cumulative gross floor area for all such accessory or subordinate uses shall not occupy more than forty (40) percent of the cumulative gross floor area of all uses within the hospital or medical center.
- (C) The following lot area and dimensional requirements shall apply to a hospitals and medical center
- (1) A hospital or medical center shall have a minimum lot area of one (1) acre.
 - (2) The hospital or medical center shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the hospital or medical center is located.

- (D) Hospitals and medical centers shall be subject to the following standards and specifications:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the hospital or medical center shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) All heliport or helistop facilities shall be located at least five hundred (500) feet from all property lines. All such uses shall be approved by the appropriate local, state and federal authorities.
 - (5) The primary points of ingress and egress to the medical research park shall be located along a collector or arterial street. As part of the land development application, the applicant shall mitigate all potential traffic impacts that will be created by the hospital or medical center.
 - (6) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (7) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
 - (9) All medical waste, bio-hazardous materials, equipment, red bag waste, and other similar items, which because of its potential health risks, shall be discarded in a manner specified by local, state and federal laws.
 - (10) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (11) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (E) As part of the conditional use application, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, traffic impact study and/or environmental assessment report. Prior to the submission of the conditional use application, the applicant shall consult with the municipality with jurisdiction to initially discuss the documentation that may be required as part of the application. If required a plan, report and/or study shall be prepared to resolve or mitigate any adverse impacts associated with the proposed use.
- (F) As part of the conditional use application, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.
- (G) If the municipality with jurisdiction approves the conditional use application, a land development plan shall be submitted for review and consideration, which shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the municipality with jurisdiction.

Section 626: Hotel and Motel

- (A) Hotel or motel, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) Hotels and motels shall be permitted by conditional use within the C-1 Zoning District.
 - (2) Hotels and motels shall be permitted by conditional use within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 626 of this Joint Zoning Ordinance.
 - (3) Hotels and motels shall be permitted by conditional use within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 502 and 626 of this Joint Zoning Ordinance.
 - (4) Hotels and motels shall be permitted by conditional use within the Spook Lane Overlay District, subject to the provisions of Sections 507 and 626 of this Joint Zoning Ordinance.
- (B) The following provisions shall apply to the principal and accessory uses of the hotel and motel:
- (1) The hotel or motel shall be the principal use or as an accessory use to a commercial resort.
 - (2) Accessory or subordinate uses within hotels or motels shall be limited to: administrative offices; meeting and conference rooms; restaurants and banquet facilities; entertainment facilities; personal care or service establishments; indoor recreational uses; health club or fitness center; educational uses; and other similar uses that are determined appropriate by the municipality with jurisdiction. The cumulative gross floor area for all such accessory or subordinate uses shall not occupy more than thirty (30) percent of the cumulative gross floor area of all uses within the hotel or motel.
 - (3) The length of stay for any guest at a hotel or motel use shall not exceed fourteen (14) consecutive days.
- (C) The following lot area and dimensional requirements shall apply to a hotel or motel:
- (1) A hotel or motel located in the C-1 Zoning District, the Carsonia Avenue Overlay District and the Perkiomen Avenue Overlay District shall have a minimum lot area of one (1) acre.
 - (2) A hotel or motel located in the Spook Lane Overlay District shall have a minimum lot area of ten (10) acres.
 - (3) The hotel or motel use shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the hotel or motel is located.
- (D) The following design standards and specifications shall apply to hotel and motel uses:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving hotels or motels shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, the utility services and connections shall be installed underground.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.

- (5) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (6) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (7) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (8) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (9) The side and rear lot lines of the development shall be adequately screened with a twenty (20) foot wide landscaped buffer yard. The design of the buffer yard and the selected landscape materials shall be subject to the approval of the municipality with jurisdiction.
- (10) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the conditional use application or land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (F) As part of the conditional use application or land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 627: Kennels

- (A) Kennel, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by special exception within the RC and R-1 Zoning Districts.
- (B) The following provisions shall apply to the principal and accessory uses for a kennel:
 - (1) The principal use shall be considered the kennel, where five (5) or more non-farm animals or domesticated pets over the age of twelve (12) weeks, which are kept or maintained for boarding, grooming, breeding, training, showing, selling or exchange to other individuals.
 - (2) A kennel may include accessory uses including: pet grooming services; veterinary or clinical care facilities; retail sales of pet supplies; and other similar uses. Personal service facilities and/or retail sales of items commonly found in connection with the kennel shall be limited to a maximum floor area of 1,000 square feet of gross floor area.
 - (3) Shows and/or competitions, which are proposed to occur on the property shall be limited to two (2) events per calendar year. All events shall be specifically designated by the applicant and a permit will be required to facilitate each event.
- (C) The following lot area and dimensional requirements shall apply to a kennel:
 - (1) A kennel shall have a minimum lot area of ten (10) acres.
 - (2) All principal buildings and/or housing facilities associated with the kennel use shall be located at least three hundred (300) feet from the street right-of-way line and all other property lines.

- (3) All accessory buildings and structures associated with the kennel use shall be located at least one hundred (100) feet from the street right-of-way line and all other property lines.
 - (4) All permitted external or common dog run areas shall be located at least one hundred (100) feet from the street right-of-way line and all other property lines
- (D) The following standards and specifications shall be required for a kennel:
- (1) The use shall be serviced by on-lot sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) Outdoor runs or common exterior areas may be permitted for the animals being cared for at the kennel, subject to the following conditions:
 - (a) The outdoor runs are conducted between the hours of 7:00 a.m. and 9:00 p.m.
 - (b) The outdoor runs are conducted within a defined external area, which is completely enclosed by a six (6) foot high fence. The perimeter of the fence shall be adequately screened with a twenty (20) foot wide landscaped buffer yard.
 - (c) The location of the outdoor runs shall be located at least one hundred (100) feet from all property lines and street right-of-way lines.
 - (5) If an incineration (retort) device is proposed to be installed on the property, the applicant shall provide documentation that the required permits, licenses and/or approvals have been issued by the regulatory agencies with jurisdiction.
 - (6) The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending removal to or disposal at an approved facility. A plan for solid waste and manure management of such wastes shall be submitted for municipal review as part of the special exception application.
 - (7) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (8) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (9) The landowner operator of the kennel shall comply with all pertinent provisions relating to noise, disturbance, odors, or other nuisances, as further defined and regulated by the municipality with jurisdiction.
 - (10) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.

- (11) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (12) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the special exception application, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application
- (F) As part of the special exception application, the Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.
- (G) If the special exception is approved, a land development plan shall be submitted to the municipality with jurisdiction for further review and consideration.

Section 628: Laboratory and Research Facility

- (A) Laboratory and research facility, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by right within the C-1, C-2 and I-1 Zoning Districts.
- (B) The following lot area and dimensional requirements shall apply to laboratories and research facilities:
 - (1) A laboratory or research facility located within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 10,000 square feet.
 - (2) A laboratory or research facility located within the I-1 Zoning District shall have a minimum lot area of 20,000 square feet, provided that the use is served by public sanitary sewage disposal facilities and public water supply facilities.
 - (3) A laboratory or research facility located in the I-1 Zoning District shall have a minimum lot area of two (2) acres if the use is serviced by on-lot sanitary sewage disposal facilities and/or on-lot water supply facilities.
 - (4) The laboratory or research facility shall be located on a conforming lot that complies with the utility provisions, dimensional, height and coverage requirements of the zoning district on which the use is located.
- (C) The following standards and specifications shall be required for laboratories and research facilities:
 - (1) The use shall be serviced by sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) Where public sanitary sewage disposal facilities and/or public water supply facilities are not planned within a defined service area, the use of on-lot sewer and water facilities may be considered provided that it is consistent with all relevant plans and ordinances adopted by the municipality with jurisdiction.
 - (4) The quantity and quality of the wastewater generated, stored, transported and/or discharged shall be subject to the review and approval of the municipality with jurisdiction, the municipality with jurisdiction Municipal Authority and the Pennsylvania Department of Environmental Protection.

- (5) The research, testing, and/or product development conducted within the laboratory shall not pose a threat to the health, safety and/or general welfare of any property or use within the municipality with jurisdiction. Where, appropriate, the landowner shall design, construct and implement appropriate safeguards.
 - (6) Ventilation outlets associated with the laboratory shall comply with all state and federal air quality and emission standards.
 - (7) All hazardous waste, toxic waste, medical waste, infectious waste, red bag waste, and other similar items, which because of its potential health risks, shall be discarded in a manner specified by state and federal laws.
 - (8) The landowner shall provide the municipality with jurisdiction and the local emergency management service responders (police, fire and ambulance) with a complete list of materials, chemicals and/or substances that are typically stored or maintained on the property that could be considered hazardous or dangerous to the employees, visitors and/or emergency service responders. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use.
 - (9) All other utility provisions serving the research facilities shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (10) All means of ingress and/or egress shall be designed to accommodate traffic in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (11) All means of ingress and/or egress shall be located and designed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (12) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (13) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (14) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (15) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 629: Landscaping Centers

- (A) Landscaping centers, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
 - (1) A landscaping center shall be permitted as a principal use by right in the C-1, C-2 and I-1 Zoning Districts.
 - (2) A landscaping center shall be permitted as a principal and accessory use by special exception in the R-2 Zoning District.
 - (3) A landscaping center shall be permitted as an accessory use by special exception in the R-1 Zoning District

- (B) The following provisions shall apply to the principal and accessory uses for a landscaping center:
- (1) The principal use shall be the landscaping center.
 - (2) Subordinate or accessory uses may include: administrative offices; greenhouses; nurseries; and similar activities that are customarily associated with a landscaping center.
- (C) The following lot area and dimensional requirements shall apply to a landscaping center:
- (1) A landscaping center within the C-1, C-2 and I-1 Zoning Districts shall have a minimum lot area of 10,000 square feet if the use is served by public sanitary sewage disposal facilities and public water supply facilities.
 - (2) A landscaping center within the R-1, R-2 and I-1 Zoning Districts shall have a minimum lot area of two (2) acres if the use is served by on-lot sanitary sewage disposal facilities or on-lot water supply facilities.
 - (3) The landscaping center shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
 - (4) The storage of merchandise that is available for retail sales may be permitted outside of the principal building or structure provided that such storage complies with the minimum setback provisions for the zoning district to which the landscaping center is located
- (D) The following design standards and specifications shall apply to a nursery or landscaping center:
- (1) The use shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public, private or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) No exterior storage of a substance, which has the potential to contaminate groundwater or surface water, shall be permitted unless the owner provides and installs safeguards, which are satisfactory to the municipality with jurisdiction and the Pennsylvania Department of Environmental Protection. All such protective safeguards shall be subject to the review and approval by the municipality with jurisdiction.
 - (5) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (6) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (7) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (8) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (9) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use

- (E) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (F) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 630: Library

- (A) Library, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
 - (1) A library shall be permitted by right within the C-1 Zoning District.
 - (2) A library shall be permitted by right within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 630 of this Joint Zoning Ordinance.
 - (3) A library shall be permitted by right within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 630 of this Joint Zoning Ordinance.
- (B) The following provisions shall apply to the principal and accessory uses for a library:
 - (1) The principal use shall be the library.
 - (2) Subordinate or accessory uses within a library shall be limited to: administrative offices; meeting rooms; classrooms; conference rooms; computer work stations; and/or other similar uses that are determined appropriate by the municipality with jurisdiction. The cumulative gross floor area or occupied space area for all such accessory uses shall not occupy more than thirty (30) percent of the cumulative gross floor area or occupied space area of all uses within the library. The subordinate or accessory uses shall be considered subordinate uses that directly benefit the persons utilizing the library.
 - (3) Retail sales shall be limited to books, periodicals, newspapers, printing, music, art and similar items that may be common to a library. The retail sale area shall not exceed ten (10) percent of the gross floor area.
 - (4) A library may contain temporary or seasonal displays to promote public education and information relative to historic resources, environmental issues, governmental functions, science, technology and other similar subjects that could benefit the community.
- (C) The following lot area and dimensional requirements shall apply to a library:
 - (1) A library located within the C-1 Zoning District and Carsonia Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (2) A library located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 5,000 square feet.
 - (3) The library shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the use is located.
- (D) The following standards and specifications shall be required for libraries:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
- (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be designed to comply with the provisions of Article 7 of this Joint Zoning Ordinance.
- (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction

Section 631: Manufactured Home Parks

- (A) Manufactured home parks, as defined under Article 2 of this Joint Zoning Ordinance, are permitted by special exception within the R-4 Zoning District.
- (B) For the purposes of this Joint Zoning Ordinance, “manufactured home park” shall be synonymous with “mobile home park” and “manufactured home” may be synonymous with “mobile home”.
- (C) All manufactured home parks shall be designed in accordance with the following criteria and eligibility requirements:
 - (1) The manufactured home park shall consist of a minimum contiguous land area of five (5) acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by other parcels of land owned by other individuals or parties. The municipality with jurisdiction may consider parcels of land that are physically separated by public roads, utility easements or rights-of way, streams and/or other natural features.
 - (2) The manufactured home park shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) The manufactured home park shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (4) The manufactured home park shall not exceed eight (8) dwelling units per gross acre.
 - (5) A minimum of forty (40) percent of the land area within the manufactured home park shall be set aside as common open space, which shall be perpetually preserved and deeded to restrict future residential

development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this Joint Zoning Ordinance.

- (D) The manufactured homes located within the manufactured home park shall be located on individual lots or lease areas and shall be designed to comply with the following dimensional, height and coverage requirements:
- (1) The minimum net lot area or net lease area for each individual manufactured home shall be 4,000 square feet.
 - (2) The minimum lot width for each individual manufactured home lot or lease area shall be sixty (60) feet.
 - (3) The minimum front yard setback shall be twenty (20) feet.
 - (4) The minimum side yard setback shall be ten (10) feet, as measured on each side.
 - (5) The minimum rear yard setback shall be twenty (20) feet.
 - (6) The maximum lot coverage shall be eighty (80) percent for each lot or lease area.
 - (7) All proposed manufactured homes within the manufactured home park shall be located at least fifty (50) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (8) No structure shall be constructed on or within fifty (50) feet of any land or water areas designated as floodplains, wetlands, hydric soils, and slopes exceeding 20 percent in grade.
 - (9) No more than one (1) manufactured home shall be placed on a manufactured home lot or lease area, and such manufactured home shall be occupied by not more than one (1) single family.
- (E) The following provisions shall apply to the ownership and maintenance responsibilities of individual lots or parcels of land within a manufactured home park:
- (1) A lot or parcel of land that has been approved to be occupied by a manufactured home within the manufactured home park shall either lawfully owned by an individual or leased by the landowner of the manufactured home park to a qualified person.
 - (2) A manufactured home, which is located on an approved lot or parcel of land within the manufactured home park shall be either lawfully owned by an individual or leased by the landowner of the manufactured home park to a qualified person.
 - (3) Sub-leasing arrangements involving a lot, parcel of land and/or manufactured home within a manufactured home park shall be prohibited.
- (F) All manufactured home parks shall be subject to the following development and procedural requirements:
- (1) The manufactured home park shall provide an evergreen planting screen at least twenty (20) feet in depth along the property line at the periphery of the development.
 - (2) No part of the manufactured home park shall be used to accommodate other uses than the uses permitted under this section of the Joint Zoning Ordinance.
 - (3) There shall be at least one (1) street within the manufactured home park, which serves as an internal collector street from which minor streets shall turn out so as to provide direct access to each manufactured home lot or lease area. All streets shall be designed and constructed to comply with all pertinent specification adopted by the municipality with jurisdiction.
 - (4) All entrances shall conform to the standards of the Pennsylvania Department of Transportation and the municipality with jurisdiction. A Traffic Impact Study should be prepared to assess the needs for on-site and off-site traffic improvements, which may be required to facilitate the manufactured home park.
 - (5) A minimum of two (2) off-street parking spaces measuring ten (10) feet by twenty (20) feet shall be provided for each manufactured Home lot or lease area. A common off-street parking area may be designed to

accommodate the required off-street parking requirements and/or to provide additional spaces for overflow parking spaces. No on-street parking shall be permitted within the manufactured home park.

- (6) Each manufactured home space shall be provided with a concrete pad or basement foundation that shall comply with the specifications of the manufacturer and the building code requirements of the municipality with jurisdiction.
 - (7) All manufactured homes shall be located, erected and anchored in accordance with all applicable standards and provisions specified by the municipality with jurisdiction and/or the manufacturers specifications.
 - (8) Each manufactured home stand shall be equipped with utility connections. For reasons of safety, the space between the manufactured home stand and the manufactured home floor shall be permanently enclosed to prevent unauthorized entry and to conceal all supports and utility connections. Each stand shall be located at such elevation, distance and angle in relation to the access street and manufactured home accessory that the placement and removal of the manufactured home is practical.
 - (9) The area between the ground level and the perimeter of the manufactured home shall be enclosed by means of a suitable skirting.
 - (10) Every manufactured home and open space areas shall have access to an improved public or private street.
 - (11) A subdivision and land development plan shall be submitted to the municipality with jurisdiction for review and consideration.
 - (12) Unless otherwise required by the utility provider, all public utility services shall be underground within the manufactured home park.
 - (13) Exterior storage areas for refuse stations shall be properly screened from the view of all manufactured homes within the manufactured home park and from adjacent property owners. All containers shall be air-tight, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste. The manufactured home park shall have a solid waste management plan.
 - (14) All manufactured home parks containing twenty-five (25) or more manufactured homes shall employ the services of a qualified manager.
- (G) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of forty (40) percent of the gross area of the manufactured home park shall be set aside as common open space, which shall be perpetually preserved and deeded to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) The area designated as common open space shall comply with the following specifications:
 - (a) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas exceeding twenty (20) percent in slope.
 - (b) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (c) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one (1) contiguous acre of land.
 - (d) There shall be at least one (1) designated common area that is contiguous within the development containing no less than twenty-five (25) percent of the required open space.

- (3) The common open space shall be planned and located as a contiguous accessible area within the manufactured home park. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the special exception application.
- (4) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
- (5) For all common open spaces, satisfactory written agreements approved by the governing body shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the approved plan.
- (6) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall retain ownership of the land encompassing the common open space areas.
- (7) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by the municipality with jurisdiction. The applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (H) In addition to the permitted manufactured homes, the proposed manufactured home park may contain the following non-residential uses, provided they are considered and approved as part of the conditional use application:
 - (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, management, sales, meetings, laundry facilities, storage, and/or maintenance, which are directly associated with the manufactured home park.
 - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the manufactured home park.
 - (3) Category 1 Home Occupations, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Municipal uses, subject to Section 636 of this Joint Zoning Ordinance.
 - (5) Non-commercial recreation uses for the benefit of the residents of the manufactured home park, subject to Section 644 of this Joint Zoning Ordinance.
 - (6) Accessory buildings, structures and uses.
- (I) As part of the special exception application, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (J) As part of the special exception application, the Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.
- (K) If the special exception is approved, a land development plan shall be submitted to the municipality with jurisdiction for further review and consideration.
- (L) Existing manufactured home parks that do not conform with the provisions specified by this Joint Zoning Ordinance shall be considered nonconforming and subject to the applicable provisions of Article 10 of this Joint Zoning Ordinance.

Section 632: Manufacturing, Fabrication and Finishing Uses

- (A) Manufacturing, fabrication and finishing uses, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by right within the I-1 Zoning District.
- (B) The following provisions shall apply to principal and accessory uses for manufacturing, fabrication and finishing uses:
 - (1) The principal use shall be the manufacturing, fabrication and/or finishing use.
 - (2) Retail sales of the goods and products produced at the manufacturing facility may be permitted as an accessory use. The designated area for retail sales shall not exceed ten (10) percent of the total gross floor area or one thousand (1,000) square feet, whichever is less in surface area.
 - (3) All principal and accessory uses and activities associated with the manufacturing use shall be conducted within an enclosed building that complies with the appropriate building code requirements for a commercial and/or industrial establishment within the municipality with jurisdiction.
- (C) The following lot area and dimensional requirements shall apply to a manufacturing, fabrication and finishing use:
 - (1) A manufacturing, fabrication and finishing use located within the I-1 Zoning District shall have a minimum lot area of 20,000 square feet if the use is served by public sanitary sewage disposal facilities and public water supply facilities.
 - (2) A manufacturing, fabrication and finishing use located within the I-1 Zoning District shall have a minimum lot area of two (2) acres if the use is serviced by on-lot sanitary sewage disposal facilities and/or on-lot water supply facilities.
 - (3) The manufacturing, fabrication and finishing use located on a conforming lot that complies with the utility provisions, dimensional, height and coverage requirements of the zoning district on which the use is located.
- (D) The following standards and specifications shall be required for manufacturing, fabrication and finishing uses:
 - (1) The use shall be serviced by public or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) The quantity and quality of the wastewater generated, stored, transported and/or discharged shall be subject to the review and approval of the municipality with jurisdiction, the municipality with jurisdiction Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (4) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (5) All means of ingress and/or egress shall be located and designed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (6) All manufacturing activities shall not pose a threat to the health, safety and/or general welfare of any property or use within the community or surrounding region. Where, appropriate, the landowner shall design, construct and implement appropriate safeguards.
 - (7) The landowner shall provide the municipality with jurisdiction and the local emergency management service responders (police, fire and ambulance) with a complete list of materials, chemicals and/or substances that

are typically stored or maintained on the property that could be considered hazardous or dangerous to the employees, visitors and/or emergency service responders. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use.

- (8) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (9) Ventilation outlets associated with the manufacturing shall comply with all state and federal air quality and emission standards.
 - (10) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (11) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (12) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (F) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 633: Medical, Dental, Vision, Counseling and Health Care Services

- (A) Medical, dental, vision, counseling and health care providers, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) The medical, dental, vision, counseling and health care use shall be permitted by right within the C-1 and C-2 Zoning Districts.
 - (2) The medical, dental, vision, counseling and health care use shall be permitted by right within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 633 of this Joint Zoning Ordinance.
 - (3) The medical, dental, vision, counseling and health care shall be permitted by right within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 633 of this Joint Zoning Ordinance.
 - (4) The medical, dental, vision, counseling and health care shall be permitted by conditional use within the Historic Overlay District, subject to the provisions of Sections 504 and 633 of this Joint Zoning Ordinance.
- (B) The following provisions shall apply to the principal and accessory uses:
- (1) The medical, dental, vision, counseling clinic and health care provider uses shall be exclusively utilized to observe, examine, test, diagnose, rehabilitate, treat and/or provide care to patients on an out-patient basis. This use shall not be considered as a hospital or medical center.
 - (2) All principal use and activities that are generally associated with the medical, dental, vision, counseling clinic and health care provider uses shall be conducted within an enclosed building that complies with the appropriate building code requirements for a commercial and/or industrial establishment within the municipality with jurisdiction.

- (3) The research, testing, product development and/or administrative services associated with the medical, dental, vision, counseling clinic and health care provider use shall be considered as a permitted accessory use. All such activities shall not pose a threat to the health, safety and/or general welfare of any property or use within the municipality with jurisdiction.
- (C) The following lot area and dimensional requirements shall apply to a medical, dental, vision, counseling and health care provider uses:
- (1) A medical, dental, vision, counseling and health care use located within the C-1 Zoning District and the Carsonia Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (2) A medical, dental, vision, counseling and health care use located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 5,000 square feet.
 - (3) The use shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the use is located.
- (D) The following standards and specifications shall be required for medical, dental, vision, counseling and health care providers uses:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) The quantity and quality of the wastewater generated, stored, transported and/or discharged shall be subject to the review and approval of the municipality with jurisdiction and the PA Department of Environmental Protection.
 - (4) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (5) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (6) The landowner shall provide the municipality with jurisdiction and the local emergency management service responders (police, fire and ambulance) with a complete list of materials, chemicals and/or substances that are typically stored or maintained on the property that could be considered hazardous or dangerous to the employees, visitors and/or emergency service responders. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use.
 - (7) All medical waste, bio-hazardous materials, equipment, red bag waste, contaminated materials and other similar items, which because of its potential health risks, shall be discarded in a manner specified by local, state and federal laws.
 - (8) Ventilation outlets associated with the medical, dental, vision, counseling and health care provider use shall comply with all state and federal air quality and emission standards.

- (9) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (10) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (11) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (12) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (F) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 634: Mixed-Use Commercial and Residential

- (A) Mixed-use commercial and residential, as defined under Article 2 of this Joint Zoning Ordinance, are permitted as follows
- (1) The mixed-uses shall be permitted by right within the C-1 and C-2 Zoning Districts.
 - (2) The mixed-uses shall be permitted by right within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 633 of this Joint Zoning Ordinance.
 - (3) The mixed-uses shall be permitted by right within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 633 of this Joint Zoning Ordinance.
 - (4) The mixed-use shall be permitted by conditional use within the Historic Overlay District, subject to the provisions of Sections 504 and 633 of this Joint Zoning Ordinance.
- (B) The following provisions shall apply to the principal and accessory uses:
- (1) The first floor of the mixed-use building shall be limited to commercial uses, which are permitted by right within the underlying C-1 and C-2 Zoning Districts, the Carsonia Avenue Overlay District and/or Perkiomen Avenue Overlay District. The commercial use shall be considered as the principal use that shall be owned and managed by the owner of the permitted commercial use.
 - (2) The second and third floors of the mixed-use building shall contain no more than four (4) residential apartment units, which shall be considered subordinate or accessory uses to the first floor commercial use.
 - (3) A group of mixed-use buildings may be permitted on the same parcel being developed provided that the architectural and streetscape characteristics are similar.
- (C) The following lot area and dimensional requirements shall apply to a mixed-use development containing a combination of permitted commercial and residential uses.
- (1) A mixed-use commercial and residential development located within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 10,000 square feet.

- (2) A mixed-use commercial and residential development located within the Carsonia Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (3) A mixed-use commercial and residential development located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 5,000 square feet.
 - (4) The mixed-use commercial and residential development shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the use is located.
 - (5) The minimum building separation from other buildings within the development shall be as follows: the separation shall be forty (40) feet when the buildings are side to side; the separation shall be sixty (60) feet when the buildings are side to rear; the separation shall be sixty (60) feet when the buildings are rear to rear.
 - (6) The maximum height of the mixed-use building shall be thirty-five (35) feet. The maximum height may be increased to fifty (50) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection
- (D) The following standards and specifications shall be required for mixed-use developments containing a combination of permitted commercial and residential uses:
- (1) The mixed-uses shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The mixed-uses shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground
 - (4) Unless otherwise permitted by the municipality with jurisdiction, the principal and subordinate uses within the mixed-use building shall have separate utility connections for sanitary sewage disposal, water supply, electric, telephone, natural gas and cable services.
 - (5) The residential apartment units shall contain separate sanitary facilities, washing and bathing facilities, and a kitchen with cooking facilities to accommodate the tenants.
 - (6) The applicant shall provide documentation to the municipality with jurisdiction that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer, and similar facilities comply with all applicable ordinances, regulations and laws specified by the municipality with jurisdiction and/or the Commonwealth of Pennsylvania.
 - (7) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (8) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (9) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (10) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.

- (11) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the land development application, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan.
- (F) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 635: Multi-Family Apartment Uses and Developments

- (A) Multi-family apartment uses and developments, as defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by conditional use within the R-5 and C-1 Zoning Districts.
- (B) All multi-family apartment uses and developments shall be designed in accordance with the following criteria and eligibility requirements:
 - (1) The minimum amount of land in the development shall be two (2) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by other parcels of land owned by other individuals or parties. The municipality with jurisdiction may consider parcels of land that are physically separated by public roads, utility easements or rights-of way, streams and/or other natural features.
 - (2) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (4) The maximum permitted residential density (apartment units per gross acre) for multi-family apartment unit developments shall be ten (10) apartment units per gross acre.
 - (5) A minimum of fifty (50) percent of the gross area of the multi-family apartment unit development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this Joint Zoning Ordinance.
- (C) The multi-family apartment development shall be designed to comply with the following minimum and maximum dimensional, height and coverage requirements:
 - (1) The total number of individual apartment units contained within a single building shall not exceed thirty (30) apartment units.
 - (2) The building setback line should be established fifty (50) feet from the street right-of-way line and all other external property lines of the development in pre-development conditions.
 - (3) All permitted principal uses and apartment units within the development shall be located at least fifty (50) feet from any property line or property, which is not owned by the applicant in pre-development conditions.

- (4) All accessory buildings or structures shall be located at least thirty (30) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
- (5) The minimum building separation from other groups of apartment units within the development shall comply with the following requirements:
 - (a) The separation shall be sixty (60) feet when the apartment unit groups are side to side.
 - (b) The separation shall be eighty (80) feet when the apartment unit groups are side to rear.
 - (c) The separation shall be eighty (80) feet when the apartment unit groups are rear to rear.
- (6) The maximum length of any building occupying individual apartment units shall not exceed two hundred (200) feet.
- (7) The maximum depth of any building occupying individual apartment units shall not exceed one hundred (100) feet
- (8) The maximum height of the building shall be thirty-five (35) feet. The maximum height may be increased to fifty (50) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
- (9) No more than twenty-five (25) percent of the total area of the development shall be covered by buildings.
- (10) No more than forty (40) percent of the total area of the development shall be covered by impervious surfaces.
- (D) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (E) The multi-family apartment unit development shall be designed in accordance with following engineering, planning, architectural, landscaping and exterior enhancement standards:
 - (1) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (2) The applicant shall give special attention to the main entrance(s) to the multi-family development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development.
 - (3) A landscaping plan shall be submitted to the municipality with jurisdiction for consideration as part of the special exception application. Unless otherwise permitted by the municipality with jurisdiction, the applicant shall provide one (1) new tree per apartment unit. The trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (4) The multi-family development shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the approval of the municipality with jurisdiction. The use of existing healthy mature trees (12 inches or more in diameter at breast height) should be utilized as part of the required buffer yard.
 - (5) Apartment units shall be constructed utilizing courtyards, common porticos, mansards, gables and/or hip roofs as part of the architectural design. Where feasible, the front building lines or facade of the common apartment building should be staggered or offset.

- (6) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (7) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (8) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (F) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the development tract shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas classified as Category 3 Slopes.
 - (3) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described by the Subdivision and Land Development Ordinance.
 - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the special exception application.
 - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
 - (6) A pedestrian circulation system within the development shall be provided by utilizing sidewalks and trails.
 - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than fifty (50) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the multi-family apartment unit development containing no less than twenty-five (25) percent of the required open space.
 - (8) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
 - (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to the municipality with jurisdiction, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.

- (10) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of the municipality with jurisdiction.
- (11) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by the municipality with jurisdiction, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (G) In addition to the proposed apartment units, the proposed multi-family development may contain the following non-residential uses, provided they are considered as part of the special exception application:
 - (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the multi-family apartment unit development and which are owned and operated by the developer or homeowners association.
 - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the multi-family apartment unit development.
 - (3) Active and passive recreation uses conducted on the areas designated as common open space.
 - (4) Category 1 Home Occupation Use, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (5) Municipal uses, subject to Section 636 of this Joint Zoning Ordinance.
- (H) The owner or management group of the apartment building shall provide the municipality with jurisdiction with a list of tenants who reside within the apartment building. Any change in tenancy shall be reported to the municipality with jurisdiction on annual basis.
- (I) As part of the special exception application and/or land development plan, the applicant shall provide evidence that the use or activities comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report.
- (J) As part of the conditional use application, the governing body may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (K) Unless otherwise specified by the municipality with jurisdiction, the special exception application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of the municipality with jurisdiction. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.

Section 636: Municipal Use

- (A) Municipal use, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by right in the RC, R-1, R-2, R-3, R-4, R-5, C-1, C-2 and I-1 Zoning Districts.
- (B) Where applicable, the provisions of this Joint Zoning Ordinance shall apply to the municipality with jurisdiction.
- (C) Where applicable, the provisions specified by state or federal agencies shall apply to the municipality with jurisdiction.

Section 637: Museum

- (A) Museums, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) A museum shall be permitted by right within the C-1 Zoning District.
 - (2) A museum shall be permitted by right within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 637 of this Joint Zoning Ordinance.
 - (3) A museum shall be permitted as an accessory use by right within the RC Zoning District.
 - (4) A museum shall be permitted by conditional use within the Historic Overlay District, subject to the provisions of Sections 504 and 637 of this Joint Zoning Ordinance.
- (B) The following principal and accessory uses shall be permitted within a museum:
- (1) The principal use shall be the museum.
 - (2) Subordinate or accessory uses within a museum shall be limited to: administrative offices; meeting rooms; conference rooms; classrooms, computer work stations; library, retail sales and/or other similar uses that are determined appropriate by the municipality with jurisdiction. The cumulative gross floor area or occupied space area for all such accessory uses shall not occupy more than thirty (30) percent of the gross floor area or occupied space area of all uses within the museum. The permitted accessory uses shall be considered subordinate uses that directly benefit the visitors or patrons of the museum.
 - (3) A museum may contain temporary or seasonal displays to promote public education and information relative to historic resources, artifacts and events that could benefit the community.
 - (4) Within the Historic Overlay District, a museum may occupy an historic building as a principal use.
 - (5) Within the RC Zoning District, a museum may be permitted as an accessory use to a permitted principal use provided that the museum can be located on a conforming lot.
- (C) Area and Utility Requirements: The following general provisions shall apply to museum:
- (1) A museum located within the C-1 Zoning District shall have a minimum lot area of 10,000 square feet.
 - (2) A museum located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 5,000 square feet.
 - (3) The museum shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
- (D) The following standards and specifications shall be required for museums:
- (1) The use shall be serviced by sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.

- (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be designed to comply with the provisions of Article 7 of this Joint Zoning Ordinance.
- (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction

Section 638: Nurseries and Greenhouses

- (A) Nurseries and landscaping centers, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by special exception within the R-1 and R-2 Zoning Districts.
- (B) The following principal and accessory uses shall be permitted:
 - (4) The principal use shall be a nursery and/or greenhouse use, which shall be considered as a commercial operation involving the raising and selling of plants, shrubs, flowers, trees, vegetables and other landscaping products as a wholesale use.
 - (5) A landscaping center or retail sales area designated for the products grown on site may be permitted as an accessory use to the nursery and greenhouse operation provided that the designated area for the landscaping center or retail sales area does not exceed 2,000 square feet of gross floor area and/or display area.
 - (6) Provisions relating to roadside stands are specified under Section 727 of this Joint Zoning Ordinance.
- (C) The following lot area and dimensional requirements shall apply to nurseries and greenhouses:
 - (1) The nursery and/or greenhouse shall have a minimum lot area of ten (10) acres.
 - (2) No principal or accessory building utilized as part of the nursery and/or greenhouse shall be located within fifty (50) feet of a street right-of-way line or other property line.
 - (3) The nursery and/or greenhouse use shall be located on a conforming lot or development, which shall comply with the minimum and maximum dimensional, height and coverage requirements that are specified by the zoning district on which the nursery and/or greenhouse use is located.
 - (4) The storage of merchandise that is available for retail sales may be permitted outside of the principal building or structure provided that such storage complies with the minimum setback provisions for the zoning district to which the nursery, greenhouse or landscaping center is located.
- (D) The following design standards and specifications shall apply to a nursery and/or greenhouse use:
 - (1) The use shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (2) The use shall be serviced by public, private or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) No exterior storage of a substance, which has the potential to contaminate groundwater or surface water, shall be permitted unless the owner provides and installs safeguards, which are satisfactory to the municipality with jurisdiction and the Pennsylvania Department of Environmental Protection. All such protective safeguards shall be subject to the review and approval by the municipality with jurisdiction.
 - (5) Ventilation outlets associated with the manufacturing shall comply with all state and federal air quality and emission standards.
 - (6) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (7) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (8) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (9) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (10) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the special exception application or the land development plan application, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (F) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 639: Personal Care, Assisted Living Care Facilities, Convalescent Homes and Nursing Homes

- (A) Personal care, assisted living care facilities, convalescent homes and nursing homes, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by special exception within the R-4, R-5, C-1 and C-2 Zoning Districts.
- (B) The following principal and accessory uses shall be permitted within a personal care, assisted living care facility, convalescent home and/or nursing home:
 - (1) The principal use shall be a personal care facility, assisted living care facility, convalescent home and/or nursing home.

- (2) Subordinate or accessory uses may include administrative offices; residential living facilities; health care facilities; rehabilitation facilities; pharmacies; cafeterias; personal care or service establishments; meeting and conference rooms; work stations; recreational uses; places of worship; and other similar uses. The cumulative gross floor area or occupied space area for all such accessory uses shall not occupy more than thirty (30) percent of the cumulative gross floor area or occupied gross floor area of all permitted principal and accessory uses.
- (C) The following lot area and dimensional requirements shall apply to a personal care facility, assisted living care facility, convalescent home and/or nursing home:
 - (1) A personal care facility, assisted living care facility, convalescent home and/or nursing home shall have a minimum lot area of 20,000 square feet.
 - (2) The personal care facility, assisted living care facility, convalescent home and/or nursing home shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located
- (D) The following standards and specifications shall be required for a personal care facility, assisted living care facility, convalescent home and/or nursing home:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide for a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) All medical waste, bio-hazardous materials, equipment, red bag waste, and other similar items, which because of its potential health risks, shall be discarded in a manner specified by local, county, state and federal laws.
 - (6) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (7) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (8) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (9) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to the municipality with jurisdiction for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted and a copy shall be issued to occupants of the facility.

- (E) As part of the special exception application, the applicant shall provide evidence that the assisted living care facility, convalescent home and/or nursing home shall comply with the provisions established within this Joint Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the municipality with jurisdiction to initially discuss the documentation that may be required as part of the application.
- (F) As part of the special exception application, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and land development plan.
- (G) If the special exception application is approved, a complete land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the municipality with jurisdiction.

Section 640: Personal Service Establishment

- (A) Personal service establishments, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted within the municipality with jurisdiction as follows:
 - (1) A personal service establishment shall be permitted by right within the C-1 and C-2 Zoning Districts.
 - (2) A personal service establishment shall be permitted by special exception within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 640 of this Joint Zoning Ordinance.
 - (3) A personal service establishment shall be permitted by special exception within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 640 of this Joint Zoning Ordinance.
 - (4) A personal service establishment shall be permitted by conditional use within the Historic Overlay District, subject to the provisions of Sections 504 and 640 of this Joint Zoning Ordinance
 - (5) All personal service establishments shall considered as lawful uses that are permitted within the underlying zoning districts and overlay districts established by the municipality with jurisdiction.
- (B) The following lot area and dimensional requirements shall apply to a personal service establishment:
 - (1) A personal service establishment located within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 10,000 square feet.
 - (2) A personal service establishment located within the Carsonia Avenue Overlay District and Perkiomen Avenue Overlay District shall have a minimum lot area of 20,000 square feet.
 - (3) A personal service establishment located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (4) A personal service establishment shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the personal service establishment is located
- (C) The following design standards and specifications shall apply to personal service establishments:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 641: Places of Worship, Religious Uses and/or Cemeteries

- (A) Places of worship and religious uses, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) Places of worship or religious uses containing principal and accessory uses shall by special exception within the R-2, R-3, R-4, R-5, C-1 and C-2 Zoning Districts.
 - (2) Places of worship or religious uses shall be permitted by conditional use within the Historic Overlay District.
 - (3) Cemeteries shall be permitted as a principal use by special exception in the R-1 and R-2 Zoning Districts.
 - (4) Cemeteries shall be permitted as an accessory use to a place of worship or religious use within the R-2, R-3, R-4, R-5, C-1 and C-2 Zoning Districts.
- (B) The following principal and accessory uses shall be permitted as part of a place of worship or religious use::
- (1) The principal use shall be the place of worship and religious facility.
 - (2) Subordinate or accessory uses shall be limited to: administrative offices; meeting rooms; educational uses; a rectory or residential use; private recreation uses; a cemetery; banquet facilities; social hall; concession stands; day care facilities; and/or other similar uses that are determined appropriate by the municipality with jurisdiction. The cumulative gross floor area for all such subordinate or accessory uses shall not occupy more than forty (40) percent of the cumulative gross floor area of all uses contained as part of the permitted uses. The accessory uses shall be considered subordinate or accessory uses that directly benefit the persons that are either a member or affiliated with the place of worship or religious use.

- (C) The following lot area and dimensional requirements shall apply to a place of worship and religious facility:
- (1) A place of worship or religious use containing principal and accessory uses within the R-2 Zoning District shall have a minimum lot area of two (2) acres.
 - (2) A place of worship or religious use containing principal and accessory uses within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts shall have a minimum lot area of one (1) acre.
 - (3) A cemetery designated as a principal use within the R-1 Zoning District shall have a minimum lot area of five (5) acres.
 - (4) A place of worship, religious and/or cemetery use shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the place of worship, religious and/or cemetery use is located.
- (D) The following design standards and specifications shall apply to places of worship, religious uses and cemeteries:
- (1) The use shall be serviced by sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the special exception application, the applicant shall provide evidence that the place of worship or religious use shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the municipality with jurisdiction to initially discuss the documentation that may be required as part of the application.
- (F) As part of the special exception application, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.

- (G) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Joint Zoning Ordinance.

Section 642: Printing or Publishing Facilities

- (A) Printing and publishing facilities, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) A printing and publishing use shall be permitted by right within the C-1 and I-1 Zoning Districts.
 - (2) A printing and publishing use shall be permitted by special exception within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 642 of this Joint Zoning Ordinance.
 - (3) A printing and publishing use shall be permitted by special exception within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 642 of this Joint Zoning Ordinance.
- (B) The following lot area and dimensional requirements shall apply to a printing and publishing facility:
- (1) A printing or publishing use located within the C-1 and C-2 Zoning Districts and the Perkiomen Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (2) A printing or publishing use located within the I-1 Zoning District and the Carsonia Avenue Overlay District shall have a minimum lot area of 20,000 square feet.
 - (3) The printing and publishing facility shall be located on a conforming lot, which shall comply with the minimum and maximum dimensional, height and coverage requirements that are specified by the zoning district or overlay district on which it is located.
- (C) The following standards and specifications shall apply to printing and publishing establishments:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the printing and publishing use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.

- (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use
- (D) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 643: Quarrying and Mining Operations

- (A) Quarrying and mining operations, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by conditional use within the RC Zoning District.
- (B) The following principal and accessory uses shall be permitted as part of a quarrying and mining operation:
 - (1) The principal use shall include quarrying and mining operations that may involve the removal or extraction of minerals, rock, natural resources, or other products of earth, either on the surface or below the surface.
 - (2) Quarry support activities and uses may be permitted as an accessory or subordinate use to the quarrying and mining activities provided that the quarry support activities and use have been approved by the municipality with jurisdiction Governing body as part of a conditional use application.
- (C) The following lot area and dimensional requirements shall apply to a quarrying and mining operation:
 - (1) A minimum of twenty (20) acres of contiguous land area shall be required to accommodate the uses and facilities for a quarry or mining operation.
 - (2) Quarrying and/or mining operations shall not be conducted within two hundred (200) feet of any property line or street right-of-way line.
 - (3) Quarry support activities shall not be conducted within two hundred (200) feet of any property line or street right-of-way line.
 - (4) The maximum height of all buildings and structures shall be limited to fifty (50) feet.
- (D) The following design standards and specifications shall apply to a quarrying and mining operation:
 - (1) The use shall be serviced by sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) All means of ingress and/or egress shall be located, deigned and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) Access to the site of the quarrying and mining operation shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized activities, the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least eight (8) feet in height and shall be kept in good repair.

- (6) No vehicles shall be staged or parked at any entrance and/or access road of the site prior to one (1) hour of the standard operation hours of the quarrying or mining facility. Overnight parking shall be prohibited.
- (7) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- (8) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- (9) A tire cleaning area shall be provided on-site. All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.
- (10) A security fence with a minimum height of eight (8) feet shall be erected along all boundary lines of the area, which is approved for operational use as a quarry or mine. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates, which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than fifty (50) feet.
- (11) A fifty (50) foot wide buffer yard shall completely surround all areas approved for operational use as a quarry or mine. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on twenty (20) foot centers. No materials of any nature shall be stored within this buffer yard.
- (12) All blasting operations shall conform to the regulations enforced by the appropriate agencies of the Commonwealth of Pennsylvania and the federal government. Notice of all blasting operations shall be given at least twenty-four (24) hours prior to the commencement of blasting to the municipality with jurisdiction and to the occupants of all properties within a radius of 1,000 feet of the location of blasting. In addition, notice shall be given to all sensitive business ventures requesting such notice.
- (13) The storage of explosives shall be in accordance with all pertinent local, state and federal laws.
- (14) No substances, which can harm persons, animals, vegetation or other form of property shall be dispersed beyond the property lines of the quarrying or mining operation.
- (15) The applicant shall comply with all locals, state and federal requirements pertaining to the operation of quarrying and mining facility. A copy of all permits and licenses issued to the applicant shall be submitted to the municipality with jurisdiction.
- (16) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (17) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (18) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (19) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
 - (1) A report shall be prepared by a professional hydrogeologist, geologist or engineer, which shall demonstrate the proposed quarrying or mining operation will not adversely affect the quantity or quality of the surface water and groundwater table within one thousand (1,000) feet of the source of operations.

- (2) A geological and geotechnical site investigation shall be prepared by a professional geologist, which shall demonstrate that the surrounding area is not prone to sinkhole development.
 - (3) A utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site or relocated to accommodate the quarrying and mining operation.
 - (4) A landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
 - (5) A grading plan shall be developed identify the limits of disturbance for all site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
 - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.
 - (7) A Phase I Environmental Impact Assessment (EIA) Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The EIA Report shall be submitted to the municipality with jurisdiction with the conditional use application.
- (F) As part of the conditional use application, the governing body may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.
- (G) If the conditional use application is approved, a complete land development plan shall be submitted for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the municipality with jurisdiction.

Section 644: Recreational Uses

- (A) Recreation uses, as defined under Article 2 of this Joint Zoning Ordinance shall be permitted as follows:
- (1) Recreation facilities and uses that are classified as a public facility providing passive recreation uses shall be permitted by right within the RC, R-1, R-2, R-3, R-4 and R-5 Zoning Districts.
 - (2) Recreation facilities and uses that are classified as a public facility providing passive recreation uses shall be permitted by special exception within the C-1, C-2 and I-1 Zoning Districts.
 - (3) Recreation facilities and uses that are classified as an accessory indoor recreation facility providing active or passive recreation uses shall be permitted by right within the R-4, R-5, C-1, C-2 and I-1 Zoning Districts.
 - (4) Recreation facilities and uses that are classified as an accessory indoor recreation facility providing active or passive recreation uses shall be permitted by right within the Carsonia Avenue Overlay District, Perkiomen Avenue Overlay District and the Spook Lane Overlay District. This land use option shall apply to land areas that are not part of the underlying R-4, R-5, C-1, C-2 and/or I-1 Zoning Districts.
 - (5) Recreation facilities and uses that are classified as an accessory outdoor recreation facility providing active or passive recreation uses shall be permitted by special exception within C-1, C-2 and I-1 Zoning Districts.
 - (6) Recreation facilities and uses that are classified as an accessory outdoor recreation facility providing active or passive recreation uses shall be permitted by special exception within the Carsonia Avenue Overlay District, Perkiomen Avenue Overlay District and the Spook Lane Overlay District. This land use option shall apply to land areas that are not part of the underlying R-4, C-1, C-2 and/or I-1 Zoning Districts.

- (7) Recreation facilities and uses that are classified as an indoor commercial recreation facility providing active or passive recreation uses shall be permitted by right within the C-1 and C-2 Zoning Districts.
- (8) Recreation facilities and uses that are classified as an indoor commercial recreation facility providing active or passive recreation uses shall be permitted by right within the Carsonia Avenue Overlay District, the Perkiomen Avenue Overlay District and the Spook Lane Overlay District.
- (9) Recreation facilities and uses that are classified as an outdoor commercial recreation facility providing active or passive recreation uses shall be permitted by special exception within the C-1 and C-2 Zoning Districts.
- (10) Recreation facilities and uses that are classified as an outdoor commercial recreation facility providing active or passive recreation uses shall be permitted by special exception within the Carsonia Avenue Overlay District, Perkiomen Avenue Overlay District and the Spook Lane Overlay District.

(B) The following lot area and dimensional requirements shall apply to a recreational use:

- (1) Recreation facilities and uses that are classified as a public facility providing active or passive recreation uses within the RC, R-1 and R-2 Zoning Districts shall be located on a lot with a minimum lot area of five (5) acres.
- (2) Recreation facilities and uses that are classified as a public facility providing active or passive recreation uses within the R-3, R-4, R-5, C-1, C-2 and I-1 Zoning Districts shall be located on a lot with a minimum lot area of one (1) acre.
- (3) Recreation facilities and uses that are classified as commercial recreation uses providing indoor activities within the C-1 and C-2 Zoning Districts shall be located on a lot with a minimum lot area of 10,000 square feet.
- (4) Recreation facilities and uses that are classified as commercial recreation uses providing outdoor activities within the C-1 and C-2 Zoning Districts shall be located on a lot with a minimum lot area of one (1) acre
- (5) Recreation facilities and uses that are classified as commercial recreation uses providing indoor or outdoor activities within the Carsonia Avenue Overlay District and the Perkiomen Avenue Overlay District shall be located on a lot with a minimum lot area of 20,000 square feet.
- (6) Recreation facilities and uses that are classified as commercial recreation uses providing indoor or outdoor activities within the Spook Lane Overlay District shall be located on a lot with a minimum lot area of five (5) acres.
- (7) All recreational facilities, buildings, structures and uses shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
- (8) All accessory recreational facilities, buildings, structures and uses shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
- (9) Unless otherwise specified by this Joint Zoning Ordinance, all principal recreation buildings, structures and/or uses shall be located at least forty (40) feet from a street right-of-way line or property line.
- (10) Unless otherwise specified by this Joint Zoning Ordinance, all accessory recreation buildings, structures and/or uses shall be located at least ten (10) feet from a street right-of-way line or property line.

(C) The following standards and specifications shall be required for recreation uses:

- (1) The use shall be serviced by sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (2) The use shall be serviced by water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
- (3) All other utility provisions serving the recreation use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (D) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (E) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 645: Residential Cluster Design for the RC Zoning District

- (A) The purpose of this section of the Joint Zoning Ordinance is to provide development and design standards for Cluster Design for the RC Zoning District. The objectives of these provisions are outlined as follows:
 - (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Joint Comprehensive Plan.
- (B) For the purposes of Section 645 of this Joint Zoning Ordinance, the Residential Cluster Design for the RC Zoning District shall also be referenced as “RC Cluster Development”.
- (C) RC Cluster Developments containing single family detached residential units, as further defined under Article 2 of this Joint Zoning Ordinance shall be permitted by right within the RC Zoning District.
- (D) RC Cluster Developments shall be designed to comply with the following design and eligibility requirements:

- (1) The minimum amount of land in the development shall be twenty (20) contiguous acres of land, which shall owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The municipality with jurisdiction shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the RC Cluster Development can be strategically designed as a unified community.
- (2) Single family dwelling units including their accessory structures and uses shall be permitted within the RC Cluster Development. Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.
- (3) The maximum permitted base residential density provision for the RC Cluster Development shall be 0.33 dwelling units per gross acre.
- (4) A minimum of sixty (60) percent of the gross area of the RC Cluster Development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Joint Zoning Ordinance.
- (5) The permitted uses contained within the development shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
- (6) If on-lot sewage disposal facilities are to be utilized for the RC Cluster Development, a primary and secondary area designated for on-lot sewage shall be provided within the lot for each residential use. The common open space shall be designated as a third option for on-lot sewage disposal should the primary and secondary sites for on-lot sewage fail
- (7) The permitted uses contained within the development shall be serviced by public, private or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the approval by the agencies with jurisdiction.
- (8) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.

(E) The following land uses shall be permitted uses within the RC Cluster Development:

- (1) Single-family detached residential uses shall comply with the following minimum and maximum dimensional requirements:
 - (a) The minimum net lot area for each individual residential lot shall be two (2) acres.
 - (b) The minimum lot width for each individual residential lot shall be two hundred (200) feet.
 - (c) The minimum front yard setback shall be fifty (50) feet.
 - (d) The minimum side yard setback shall be thirty (30) feet, as measured on each side.
 - (e) The minimum rear yard setback shall be forty (40) feet.
 - (f) The maximum building height shall be thirty-five (35) feet.
 - (g) The maximum building coverage shall be fifteen (15) percent for each lot.
 - (h) The maximum lot coverage shall be twenty-five (25) percent for each lot.

- (2) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 644 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation Use, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Municipal uses, subject to Section 636 of this Joint Zoning Ordinance.
- (F) The RC Cluster Development shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 645 of this Joint Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the RC Cluster Development shall be set aside and maintained as common open space.
 - (5) The proposed residential lots and dwelling units within the RC Cluster Development shall have suitable access to an existing public street.
 - (6) No more than four (4) residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
 - (7) No more than two (2) segments with two hundred (200) combined linear feet of road surface, as measured along the centerline of the road(s) within the RC Cluster Development shall be constructed upon the areas defined as Category 3 Slopes.
 - (8) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by the municipality with jurisdiction to accommodate the proposed RC Cluster Development.
 - (9) The applicant should give special attention to the main entrance(s) to the RC Cluster Development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design may be provided and considered as a prominent feature of the development.
 - (10) In addition to the interior parking spaces within garages, each single family detached residential lot within the RC Cluster Development shall provide a minimum of two (2) off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking spaces shall not exceed a grade of eight (8) percent.
 - (11) The design requirements and specifications contained within the Subdivision and Land Development Ordinance shall be applied to the RC Cluster Development as part of the application for subdivision and land development plan approval.
- (G) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.

- (H) The RC Cluster Development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The RC Cluster Development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the RC Cluster Development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) A landscaping plan shall be submitted to the municipality with jurisdiction for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide two (2) new trees for each proposed residential lot or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The RC Cluster Development shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the governing body. The use of existing healthy mature trees (12 inches or more in diameter at breast height is encouraged and may be utilized as part of the required buffer yard.
 - (6) The RC Cluster Development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.
- (I) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of sixty (60) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than thirty (30) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
 - (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
 - (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than one hundred (100) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the RC Cluster Development containing no less than thirty (30) percent of the required open space.

- (6) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
- (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to the municipality with jurisdiction, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
- (8) The land areas designated as common open space and all options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of the municipality with jurisdiction.
- (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by the municipality with jurisdiction, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (J) The RC Cluster Development shall be designed in accordance with the following procedural requirements:
 - (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 645 of this Joint Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
 - (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan, which shall not be considered as an official plan submission in accordance with the provisions of the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.
 - (3) The municipality with jurisdiction may schedule a public meeting to conduct a site review of the area being considered for the RC Cluster Development. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
 - (4) Prior to the submission of the preliminary subdivision and land development plan application, the Planning Commission, Engineer and Zoning Officer appointed by the municipality with jurisdiction may issue recommendations concerning the sketch plan for the RC Cluster Development.
 - (5) If a favorable recommendation has been issued by the municipality with jurisdiction, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by the municipality with jurisdiction.
 - (6) If the preliminary subdivision and land development plan is approved by the municipality with jurisdiction, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by the municipality with jurisdiction.
- (K) As part of the subdivision and land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 646: Residential Cluster Design for the R-1 Zoning District

- (A) The purpose of this section of the Joint Zoning Ordinance is to provide development and design standards for Cluster Design for the R-1 Zoning District. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Joint Comprehensive Plan for The municipality with jurisdiction.
- (B) For the purposes of Section 646 of this Joint Zoning Ordinance, the Residential Cluster Design for the R-1 Zoning District shall also be referenced as “R-1 Cluster Development”.
- (C) R-1 Cluster Developments containing single family detached residential units, as further defined under Article 2 and permitted under the provisions of Section 646 of the Joint Zoning Ordinance shall be permitted by right within the R-1 Zoning District.
- (D) R-1 Cluster Developments shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land in the development shall be twenty (20) contiguous acres of land, which shall owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The municipality with jurisdiction shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the R-1 Cluster Development can be strategically designed as a unified community.
 - (2) Single family dwelling units including their accessory structures and uses shall be permitted within the R-1 Cluster Development. Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas
 - (3) The maximum permitted base residential density provision for the R-1 Cluster Development shall be 0.50 dwelling units per gross acre.
 - (4) A minimum of fifty (50) percent of the gross area of the R-1 Cluster Development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Joint Zoning Ordinance.
 - (5) The permitted uses contained within the development shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (6) If on-lot sewage disposal facilities are to be utilized for the R-1 Cluster Development, a primary and secondary area designated for on-lot sewage shall be provided within the lot for each residential use. The common open space shall be designated as a third option for on-lot sewage disposal should the primary and secondary sites for on-lot sewage fail.

- (7) The permitted uses contained within the development shall be serviced by public, private or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
- (8) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (E) The following land uses shall be permitted uses within the R-1 Cluster Development:
 - (1) Single-family detached residential uses shall comply with the following minimum and maximum dimensional requirements:
 - (i) The minimum net lot area for each individual residential lot shall be one (1) acre.
 - (j) The minimum lot width for each individual residential lot shall be one hundred and fifty (150) feet.
 - (k) The minimum front yard setback shall be forty (40) feet.
 - (l) The minimum side yard setback shall be twenty (20) feet, as measured on each side.
 - (m) The minimum rear yard setback shall be thirty (30) feet.
 - (n) The maximum building height shall be thirty-five (35) feet.
 - (o) The maximum building coverage shall be fifteen (15) percent for each lot.
 - (p) The maximum lot coverage shall be twenty-five (25) percent for each lot.
 - (2) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 644 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation Use, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Municipal uses, subject to Section 636 of this Joint Zoning Ordinance.
- (F) The R-1 Cluster Development shall be designed in accordance with the following site design, planning and engineering considerations:
 - (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 646 of this Joint Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the R-1 Cluster Development shall be set aside and maintained as common open space.

- (5) The proposed residential lots and dwelling units within the R-1 Cluster Development shall have suitable access to an existing public street.
 - (6) No more than four (4) residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
 - (7) No more than two (2) segments with two hundred (200) combined linear feet of road surface, as measured along the centerline of the road(s) within the R-1 Cluster Development shall be constructed upon the areas defined as Category 3 Slopes.
 - (8) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by the municipality with jurisdiction to accommodate the proposed R-1 Cluster Development.
 - (9) The applicant shall give special attention to the main entrance(s) to the R-1 Cluster Development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development.
 - (10) In addition to the interior parking spaces within garages, each single family detached residential lot within the R-1 Cluster Development shall provide a minimum of two (2) off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking spaces shall not exceed a grade of five (5) percent.
 - (11) The design requirements and specifications contained within the Subdivision and Land Development Ordinance shall be applied to the R-1 Cluster Development as part of the application for subdivision and land development plan approval.
- (G) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (H) The R-1 Cluster Development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The R-1 Cluster Development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the R-1 Cluster Development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) A landscaping plan shall be submitted to the municipality with jurisdiction for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide two (2) new trees for each proposed residential lot or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The R-1 Cluster Development shall provide a 20 foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the governing body. The use of existing healthy mature trees (12 inches or more in diameter at breast height) is encouraged and may be utilized as part of the required buffer yard.

- (6) The R-1 Cluster Development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.
- (I) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
 - (1) A minimum of fifty (50) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than twenty-five (25) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
 - (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
 - (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than one hundred (100) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the R-1 Cluster Development containing no less than twenty-five (25) percent of the required open space.
 - (6) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
 - (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to the municipality with jurisdiction, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (e) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of the municipality with jurisdiction.
 - (8) The land areas designated as common open space shall be subject to the review and approval of the municipality with jurisdiction.
 - (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by the municipality with jurisdiction, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.

- (J) The R-1 Cluster Development shall be designed in accordance with the following procedural requirements:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 646 of this Joint Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
 - (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan., which shall not be considered as an official plan submission in accordance with the provisions of the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.
 - (3) The municipality with jurisdiction may schedule a public meeting to conduct a site review of the area being considered for the R-1 Cluster Development. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
 - (4) Prior to the submission of the preliminary subdivision and land development plan application, the Planning Commission, Engineer and Zoning Officer appointed by the municipality with jurisdiction may issue recommendations concerning the sketch plan for the R-1 Cluster Development.
 - (5) If a favorable recommendation has been issued by the municipality with jurisdiction, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by the municipality with jurisdiction.
 - (6) If the preliminary subdivision and land development plan is approved by the municipality with jurisdiction, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by the municipality with jurisdiction.
- (K) As part of the subdivision and land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 647: Residential Cluster Design for the R-2 Zoning District

- (A) The purpose of this section of the Joint Zoning Ordinance is to provide development and design standards for Cluster Design for the R-2 Zoning District. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To provide residential density bonus options for area that have the capabilities to accommodate residential development within designated growth areas.
 - (6) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Joint Comprehensive Plan for The municipality with jurisdiction.
- (B) For the purposes of Section 647 of this Joint Zoning Ordinance, the Residential Cluster Design for the R-2 Zoning District shall also be referenced as “R-2 Cluster Development”.
- (C) R-2 Cluster Developments containing single family detached residential units, as further defined under Article 2 and permitted under the provisions of Section 647 of the Joint Zoning Ordinance shall be permitted by right within the R-2 Zoning District.

(D) R-2 Cluster Developments shall be designed in accordance with the following general design and eligibility requirements:

- (1) The minimum amount of land in the development shall be twenty (20) contiguous acres of land, which shall be owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The municipality with jurisdiction shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the R-2 Cluster Development can be strategically designed as a unified community.
- (2) Single family dwelling units including their accessory structures and uses shall be permitted within the R-2 Cluster Development. Each residential use shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas
- (3) The maximum permitted base residential density provision for the R-2 Cluster Development shall be 5.00 dwelling units per gross acre.
- (4) A minimum of forty (40) percent of the gross area of the R-2 Cluster Development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Joint Zoning Ordinance.
- (5) The permitted uses contained within the development shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
- (6) The permitted uses contained within the development shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by the municipality with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
- (7) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.

(E) The following land uses shall be permitted uses within the R-2 Cluster Development:

- (1) Single-family detached residential uses shall comply with the following minimum and maximum dimensional requirements:
 - (a) The minimum net lot area for each individual residential lot shall be seven thousand (7,000) square feet.
 - (b) The minimum lot width for each individual residential lot shall be sixty (60) feet.
 - (c) The minimum front yard setback shall be thirty (30) feet.
 - (d) The minimum side yard setback shall be ten (10) feet, as measured on each side.
 - (e) The minimum rear yard setback shall be twenty (20) feet.
 - (f) The maximum building height shall be thirty-five (35) feet.
 - (g) The maximum building coverage shall be forty (40) percent for each lot.
 - (h) The maximum lot coverage shall be fifty (50) percent for each lot.

- (2) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 644 of this Joint Zoning Ordinance.
 - (3) Category 1 Home Occupation Use, subject to Section 623.1 of this Joint Zoning Ordinance.
 - (4) Municipal uses, subject to Section 636 of this Joint Zoning Ordinance.
- (F) A density bonus of 0.25 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this sub-section) achieved as part of the preliminary subdivision and land development plan application. The maximum permitted density bonus shall not exceed 1.0 dwelling unit per gross acre. As part of the preliminary subdivision and land development plan application, The municipality with jurisdiction may consider a density bonus for the following design objectives:
- (1) The R-2 Cluster Development provides consideration for active recreation facilities on at least twenty-five (25) percent of the land area designated as open space within the R-2 Cluster Development.
 - (2) The R-2 Cluster Development provides for passive recreation, educational and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least twenty (20) percent of the land area designated as open space within the R-2 Cluster Development.
 - (3) The R-2 Cluster Development is designed as an adult or age-qualified residential community.
 - (4) The R-2 Cluster Development is designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, wood, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (5) The R-2 Cluster Development provides additional open space areas beyond the minimum requirement of forty (40) percent of the gross tract area, regardless of configuration, whereas a 0.25 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the R-2 Cluster Development. The maximum density bonus for this provision shall not exceed 1.0 dwelling units per acre.
- (G) The R-2 Cluster Development shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 647 of this Joint Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the R-2 Cluster Development shall be set aside and maintained as common open space.
 - (5) The proposed residential lots and dwelling units within the R-2 Cluster Development shall have suitable access to an existing public street.
 - (6) No more than four (4) residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.

- (7) No more than two (2) segments with two hundred (200) combined linear feet of road surface, as measured along the centerline of the road(s) within the R-2 Cluster Development shall be constructed upon the areas defined as Category 3 Slopes.
 - (8) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by the municipality with jurisdiction to accommodate the proposed R-2 Cluster Development.
 - (9) The applicant shall give special attention to the main entrance(s) to the R-2 Cluster Development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development.
 - (10) In addition to the interior parking spaces within garages, each single family detached residential lot within the R-2 Cluster Development shall provide a minimum of two (2) off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking spaces shall not exceed a grade of five (5) percent.
 - (11) The design requirements and specifications contained within the Subdivision and Land Development Ordinance shall be applied to the R-2 Cluster Development as part of the application for subdivision and land development plan approval.
- (H) The designated points of vehicular ingress and egress to the development shall be designed in accordance with the provisions established within the Subdivision and Land Development Ordinance.
- (I) The R-2 Cluster Development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The R-2 Cluster Development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the R-2 Cluster Development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) A landscaping plan shall be submitted to the municipality with jurisdiction for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide two (2) new trees for each proposed residential lot or use within the development. The proposed trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The R-2 Cluster Development shall provide a 20 foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the governing body. The use of existing healthy mature trees (12 inches or more in diameter at breast height) is encouraged and may be utilized as part of the required buffer yard.
 - (6) The R-2 Cluster Development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application, the applicant shall apply the provisions for landscaping, recreation and open space to preserve and enhance the integrity of the development.

- (J) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of forty (40) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than twenty-five (25) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
 - (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
 - (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than one hundred (100) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the R-2 Cluster Development containing no less than twenty-five (25) percent of the required open space.
 - (6) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
 - (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to the municipality with jurisdiction, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
 - (8) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the review and approval of the municipality with jurisdiction
 - (9) The land areas designated as common open space shall be subject to the review and approval of the municipality with jurisdiction.
 - (10) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by the municipality with jurisdiction, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (K) The R-2 Cluster Development shall be designed in accordance with the following procedural requirements:
- (1) A sketch plan should be designed by the applicant considering all of the goals, objectives and design requirements of Section 647 of this Joint Zoning Ordinance. The sketch plan should show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.

- (2) The sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan., which shall not be considered as an official plan submission in accordance with the provisions of the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.
- (3) The municipality with jurisdiction may schedule a public meeting to conduct a site review of the area being considered for the R-2 Cluster Development. If requested, the applicant may be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
- (4) Prior to the submission of the preliminary subdivision and land development plan application, the Planning Commission, Engineer and Zoning Officer appointed by the municipality with jurisdiction may issue recommendations concerning the sketch plan for the R-2 Cluster Development.
- (5) If a favorable recommendation has been issued by the municipality with jurisdiction, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by the municipality with jurisdiction.
- (6) If the preliminary subdivision and land development plan is approved by the municipality with jurisdiction, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by the municipality with jurisdiction.
- (L) As part of the subdivision and land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 648: Restaurant, Café and/or Tavern

- (A) Restaurants, Cafes and/or Tavern, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
 - (1) A restaurant, café and/or tavern shall be permitted by right within the C-1 and C-2 Zoning Districts
 - (2) A restaurant, café and/or tavern shall be permitted by right within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 648 of this Joint Zoning Ordinance.
 - (3) A restaurant, café and/or tavern shall be permitted by right within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 648 of this Joint Zoning Ordinance.
 - (4) A restaurant, café and/or tavern shall be permitted by conditional use within the Historic Overlay District, subject to the provisions of Sections 504 and 648 of this Joint Zoning Ordinance.
 - (5) A restaurant, café and/or tavern shall be permitted by conditional use within the Spook Lane Overlay District, subject to the provisions of Sections 507 and 648 of this Joint Zoning Ordinance.
 - (6) A restaurant, café and/or tavern with a drive-through service option shall be permitted by special exception within the C-1 and C-2 Zoning Districts of Mount Penn Borough. All such uses shall be subject to the provisions of Sections 648 and 806 of this Joint Zoning Ordinance.
 - (7) A restaurant, café and/or tavern designated as a “Bring Your Own Bottle Club” or “BYOB” shall be permitted by special exception within the C-1 and C-2 Zoning Districts. All such uses shall comply with local, state and federal laws.
 - (8) A restaurant, café or tavern located within the C-1 Zoning District may contain an accessory area or use designated for outdoor eating or dining provided the cumulative total area of the accessory use does not exceed forty (40) percent of the cumulative gross floor area.

- (B) The following lot area and dimensional requirements shall apply to a restaurant, café and/or tavern:
- (1) A restaurant, café and/or tavern located within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 10,000 square feet.
 - (2) A restaurant, café and/or tavern located within the Carsonia Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (3) A restaurant, café and/or tavern located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 5,000 square feet.
 - (4) A restaurant, café and/or tavern located within the Spook Lane Overlay District shall have a minimum lot area of five (5) acres.
 - (5) All restaurants, cafes and/or taverns shall be located on a conforming that lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which the restaurant, cafe and/or tavern is located.
- (C) The following standards and specifications shall be required for a restaurant, café and/or tavern:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (E) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 649: Retail Business Uses

- (A) Retail business use, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) A retail business use containing less than 5,000 square feet of gross floor area shall be permitted by right within the C-1, C-2 and I-1 Zoning Districts.
 - (2) A retail business use containing less than 5,000 square feet of gross floor area shall be permitted by right within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 649 of this Joint Zoning Ordinance.
 - (3) A retail business use containing less than 5,000 square feet of gross floor area shall be permitted by right within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 649 of this Joint Zoning Ordinance.
 - (4) A retail business use containing 5,000 square feet or more of gross floor area shall be permitted by special exception within the C-1 and C-2 Zoning Districts.
 - (5) A retail business use containing 5,000 square feet or more of gross floor area shall be permitted by conditional use within the Carsonia Avenue Overlay District, subject to the provisions of Sections 502 and 649 of this Joint Zoning Ordinance.
 - (6) A retail business use containing 5,000 square feet or more of gross floor area shall be permitted by conditional use within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 649 of this Joint Zoning Ordinance.
 - (7) A retail business use shall be permitted by conditional use within the Historic Overlay District, subject to the provisions of Sections 504 and 633 of this Joint Zoning Ordinance.
 - (8) A retail business use with a drive-through service option shall be permitted by special exception within the C-1 and C-2 Zoning Districts. All such uses shall be subject to the provisions of Section 806 of this Joint Zoning Ordinance.
- (B) The following lot area and dimensional requirements shall apply to a retail use:
- (1) A retail use permitted by right within the C-1, C-2 and I-1 Zoning Districts shall have a minimum lot area of 10,000 square feet.
 - (2) A retail use permitted by special exception within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 20,000 square feet.
 - (3) A retail use permitted by right within the Carsonia Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (4) A retail use permitted by conditional use within the Carsonia Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (5) A retail use permitted by right within the Perkiomen Avenue Overlay District shall have a minimum lot area of 5,000 square feet.
 - (6) A retail use permitted by conditional use within the Perkiomen Avenue Overlay District shall have a minimum lot area of 10,000 square feet.
 - (7) All retail business establishments shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which it is located.
- (C) The following standards and specifications shall be required for a retail use:
- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (E) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 650: Retail Convenience Store

- (A) A retail convenience store, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by special exception within the C-1 and C-2 Zoning Districts of Mount Penn Borough.
- (B) The following lot area and dimensional requirements shall apply to a retail convenience store:
- (1) A retail convenience store shall have a minimum lot area of 20,000 square feet.
 - (2) A retail convenience store shall be located on a conforming that lot that complies with the dimensional, height and coverage requirements of the zoning district or overlay district on which it is located.
- (C) The following land use limitations and restrictions shall apply to retail convenience stores
- (1) The principal use shall be the retail convenience store, which may include the sales of food, groceries, beverages, household products, automobile fuels and accessories, newspapers, magazines, periodicals, and other similar items may be sold within a convenience store.
 - (2) The minimum size of the convenience store shall be 2,000 cumulative square feet of gross floor area and the maximum size shall be 5,000 cumulative square feet of gross floor area.

- (3) The sale of gasoline, diesel fuel, kerosene and/or other petroleum products shall be permitted as an accessory use for a convenience store. The maximum number of fueling pumps (one pump shall serve a maximum of two fueling positions only) shall be permitted based upon the size of the building housing the convenience store, which shall be specified as follows:

Convenience Store Gross Floor Area	Maximum Number of Fuel Pumps	Maximum Number of Fueling Positions
2,000 square feet to 3,000 square feet	4	8
3,000 square feet to 4,000 square feet	5	10
4,000 square feet to 5,000 square feet	6	12

- (4) Car wash facilities may be permitted as an accessory use for a retail convenience store. All such uses shall be permitted in accordance with the provisions specified under 605 of this Joint Zoning Ordinance.
- (5) Drive-up or drive-through service lanes shall not be permitted as part of a retail convenience store.
- (6) All merchandise or retail items sold on the premises shall be stored within the retail convenience store.
- (7) All transactions shall be conducted within the retail convenience store or at automated fuel pumps.
- (8) All permitted materials that are stored outdoors shall be located at least twenty (20) feet from the street right-of-way and no closer than twenty (20) feet to any property line.

(D) The following general standards and specifications shall be required for a retail convenience store:

- (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
- (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
- (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground
- (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (5) The proposed lighting for the convenience store shall comply with the requirements specified by this Joint Zoning Ordinance. The following provisions shall specifically apply to the external lighting facilities
- (a) The proposed lighting for buildings, facilities, signs, access lanes and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
- (b) All canopies covering the gasoline pumps may be illuminated by overhead lighting. Canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures shall be prohibited.
- (c) A lighting plan shall be submitted to depict the location and intensity of the lighting facilities within the convenience store to a point fifty (50) feet beyond the perimeter of the property line.

- (6) All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other sounds are not audible at any street line or property line. All such systems shall not be utilized between the hours of 9:00 pm and 7:00 am.
- (7) The use and related activities shall not emit noise, glare, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat and/or other perceptible or objectionable nuisances that would impact neighboring properties, or be noticeable at or beyond the property line.
- (8) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (9) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (10) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (11) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (F) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 651: School and Educational Uses

- (A) Schools and educational uses, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
 - (1) A school or educational use shall be permitted by special exception within the R-1, R-2, R-3, R-4 and R-5 Zoning Districts of Lower Alsace Township and Mount Penn Borough.
 - (2) A school or educational use shall be permitted by special exception within the C-1 and C-2 Zoning Districts of Mount Penn Borough
- (B) The following principal and accessory uses shall be permitted as part of a school or educational use:
 - (1) The principal use shall include the school or educational use.
 - (2) Accessory or subordinate uses for the school or educational use shall be limited to: administrative offices; cafeterias; concession recreational uses; entertainment uses, child care facilities; religious uses; and other similar uses that are determined appropriate by the municipality with jurisdiction. The cumulative gross floor area for all such accessory uses shall not occupy more than forty (40) percent of the cumulative gross floor area of all uses within the building occupied by the school or educational facility.
 - (3) The following provisions shall apply to students or persons attending the school or educational facility:
 - (a) All permitted uses described within Sections 651.B.1 and 651.B.2 of this Joint Zoning Ordinance shall be primarily utilized by the students enrolled at the public or private school.
 - (b) No age limitations or grade attainment level shall apply to the students attending the school or educational use, provided that the student is properly enrolled and complies with the minimum curriculum requirements specified by the school or educational use

- (c) If authorized by the municipality with jurisdiction, the school or educational facilities may be open to the residents and landowners within the Antietam School District.
 - (d) Visitors may attend sanctioned or authorized events at the school or educational facility.
- (4) A school or educational use that is not classified as a public or private school may be classified as another principal use by the Zoning Officer with municipal jurisdiction, provided that such use is not classified as a “school” but as an “educational use” providing non-academic or non-accredited instructions to students.
- (C) The following lot area and dimensional requirements shall apply to a school or educational use:
 - (1) A school or educational use located within the R-1, R-2 and R-3 Zoning Districts shall have a minimum lot area of five (5) acres.
 - (2) A school or educational use located within the R-4, R-5, C-1 and C-2 Zoning Districts shall have a minimum lot area of one (1) acre.
 - (3) A school or educational use shall be located on a conforming that lot that complies with the dimensional, height and coverage requirements of the zoning district on which the school or educational use is located
- (D) The following standards and specifications shall be required for schools and educational uses:
 - (1) The use shall be serviced by sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
 - (6) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (7) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (8) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (9) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the special exception application, the applicant shall provide evidence that the educational use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission

of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required.

- (F) As part of the special exception application, the Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.
- (G) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the municipality with jurisdiction.

Section 652: Secondary Commercial Use or Pad Site

- (A) A secondary use or pad site, as defined under Article 2 of this Joint Zoning Ordinance shall be permitted by right within the C-1 and C-2 Zoning Districts.
- (B) The following uses shall be permitted as part of principal uses permitted in combination with other uses.
 - (1) The principal uses contained on the lot or within the development may include the principal uses that are permitted by right within the C-1 and C-2 Zoning Districts.
 - (2) The accessory uses contained on the lot or within the development may include the accessory uses that are permitted by right within the C-1 and C-2 Zoning Districts.
- (C) The following lot area and dimensional requirements shall apply to secondary use or pad site:
 - (1) The total area being developed shall contain one (1) acre of land capable of being developed with more than one (1) principal use.
 - (2) Each principal use shall be planned and developed with a minimum lot area of 20,000 square feet per use.
 - (3) Each principal use shall comply with the dimensional, height and coverage requirements of the C-1 and C-2 Zoning Districts.
 - (4) Each principal use shall be capable of being subdivided as a conforming lot within the C-1 and C-2 Zoning Districts.
 - (5) No more than four (4) principal uses shall be permitted on a lot. Developments containing five (5) or more principal uses shall be designed as a shopping center or shopping mall in accordance with the provisions specified under Section 653 of this Joint Zoning Ordinance.
- (D) The following standards and specifications shall be required for principal uses permitted in combination with other uses:
 - (1) All permitted principal and accessory uses associated with the principal uses permitted in combination with other uses shall be conducted within enclosed buildings that comply with the building code requirements for a commercial establishment within the municipality with jurisdiction.
 - (2) Each principal use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) Each principal use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (4) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (5) Each principal use shall have separate utility connections for sanitary sewage disposal, water supply, electric, telephone, natural gas and cable services.
- (6) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (7) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (8) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (9) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (E) Where required to comply with the provisions specified by this Joint Zoning Ordinance, a subdivision and/or land development plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration in accordance with the prevailing standards of the municipality with jurisdiction.

Section 653: Shopping Centers or Shopping Malls

- (A) Shopping Centers or Shopping Malls, as further define under Article 2 of this Joint Zoning Ordinance shall be permitted by conditional use within the C-1 and C-2 Zoning Districts.
- (B) The following lot area, height, coverage and dimensional requirements shall specifically apply to a shopping center or shopping mall:
 - (1) A shopping centers or shopping malls shall have a minimum of two (2) acres of contiguous land area.
 - (2) The minimum lot width shall be three hundred (300) feet.
 - (3) The shopping center or shopping mall shall contain five (5) or more permitted uses that exceed 30,000 square feet of cumulative gross floor area.
 - (4) All principal and accessory uses shall be located at least twenty (20) feet from a street right-of-way line or property lines.
 - (5) The maximum height for a building or structure shall be fifty (50) feet.
 - (6) The maximum building coverage shall not exceed forty (40) percent of the lot area.
 - (7) The maximum lot coverage shall not exceed sixty (60) percent of the lot area.
- (C) The following standards and specifications shall be required for shopping centers or shopping malls:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (4) Unless otherwise permitted by the municipality with jurisdiction, each principal use shall have separate utility connections for sanitary sewage disposal, water supply, electric, telephone, natural gas and cable services.
- (5) All uses within the shopping center or shopping mall shall be harmoniously planned within a single building or within groups of buildings. As part of the land development plan application, the applicant or developer shall identify the planned uses within the shopping center or shopping mall and demonstrate how these uses can be amicably planned during all hours of operation.
- (6) Planned out parcels, pad sites or detached buildings may be permitted, provided the use is located within a separate lot meeting the appropriate minimum and maximum dimensional requirements of the C-1 and C-2 Zoning District for that specific use.
- (7) Gasoline sales shall be prohibited as part of the shopping center or shopping mall.
- (8) A minimum of two (2) separate points of vehicular ingress and egress shall be established for shopping centers or shopping malls. The points of ingress and egress shall be separated by at least two hundred (200) linear feet of road frontage. At least one (1) point of ingress and egress shall be designed to provide direct access onto a collector or arterial road.
- (9) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (10) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (11) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (12) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (13) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (D) The ownership of any shopping centers or shopping malls shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The shopping center must have at least one (1) on-site manager or a designated individual whose office is located within one hundred (100) miles of the municipality with jurisdiction. The owner shall provide the municipality with jurisdiction with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of the mini-mall, shopping center or shopping mall.
- (E) The owner or manager shall provide the municipality with jurisdiction with a complete list of tenants located within the shopping center or shopping mall on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- (F) As part of the conditional use application or land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application and the land development plan,

the applicant shall consult with the municipality with jurisdiction in order to initially discuss the supplemental documentation that may be required as part of the application.

- (G) As part of the conditional use application or land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 654: Single Family Detached Residential Uses

- (A) Single family detached residential units, as defined under Article 2 of this Joint Zoning Ordinance, are permitted as follows:
- (1) Single family detached residential units shall be permitted by right in the RC, R-1, R-2, R-3, R-4 and R-5 Zoning Districts of Lower Alsace Township and Mount Penn Borough.
 - (2) Single family detached residential units shall be permitted by right in the C-1 and C-2 Zoning Districts of Mount Penn Borough.
- (B) All single family detached dwelling units shall be located on approved residential lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the single family detached residential unit is located or the appropriate development requirements specified by this Joint Zoning Ordinance.
- (C) The supplemental matrix charts contained within Article 4 of this Joint Zoning Ordinance provides the basic utility requirements (sewer and water facilities) for each permitted use by its assigned zoning district. The following specific provisions shall apply to utility provisions for single-family detached dwelling units:
- (1) Single-family detached dwellings shall be shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) Single-family detached dwellings shall be serviced by public, private or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving single-family detached dwellings shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) The general requirements specified under Articles 7 through 10 shall apply to residential lots containing single-family detached dwelling units.
- (D) Where required to comply with the provisions established by the municipality with jurisdiction, a subdivision plan and/or land development plan shall be submitted for review and consideration, prior to the issuance of a building permit for a single family detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Subdivision and Land Development Ordinance.
- (E) All typical accessory uses and structures to a single family detached residential unit shall be permitted provided: they are located on the same lot as the single family detached unit; they are clearly subordinate to the single family detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction.

Section 655: Single Family Semi-Detached Residential Uses

- (A) Single family semi-detached residential units, as defined under Article 2 of this Joint Zoning Ordinance, are permitted by right within the R-4 and R-5 Zoning Districts.
 - (1) Single family semi-detached residential units shall be permitted by right within the R-3, R-4 and R-5 Zoning Districts of Lower Alsace Township and Mount Penn Borough.
 - (2) Single family detached residential units shall be permitted by right within the C-1 and C-2 Zoning Districts of Mount Penn Borough.
- (B) All single family semi-detached dwelling units shall be located on individually approved residential lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the zoning district to which the single family semi-detached residential unit is located.
- (C) The supplemental matrix charts contained within Article 4 of this Joint Zoning Ordinance provides the basic utility requirements (sewer and water facilities) for each permitted use by its assigned zoning district. The following specific provisions shall apply to utility provisions for single-family detached dwelling units:
 - (1) Single-family semi-detached dwellings shall be serviced by public sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) Single-family semi-detached dwellings shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving single-family detached dwellings shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
 - (4) The general requirements specified under Articles 7 through 10 shall apply to residential lots containing single-family semi-detached dwelling units.
- (D) Each residential semi-detached unit shall be considered as a principal use and shall comply with the individual dimensional and utility requirements for a semi-detached unit. Each residential lot shall be accurately described by bearings and distances, which shall be recorded as a separate deed.
- (E) The common wall separating the residential semi-detached units shall be considered the common lot line, as extended from the front property line to the rear property line. The side yard setback requirements shall not apply to any part of the principal residential use, however, the side yard setback requirement for all accessory buildings and/or uses should be applied in accordance with the provisions specified under Article 7 of this Joint Zoning Ordinance.
- (F) Where required to comply with the provisions established by the municipality with jurisdiction, a subdivision plan and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration, prior to the issuance of a building permit for a single family semi-detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Subdivision and Land Development Ordinance.
- (G) All typical accessory uses and structures to a single family semi-detached residential unit shall be permitted provided: they are located on the same lot as the single family semi-detached unit; they are clearly subordinate to the single family semi-detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified by the municipality with jurisdiction.

Section 656: Telecommunication, Wireless Communication and Transmitting Facilities

- (A) The purpose of this section and the standards established herein is to govern the use, construction and location of telecommunication, wireless communications and transmitting facilities in recognition of the nature of commercial communication systems in accordance with state and federal laws.. These regulations are intended to:
- (1) Accommodate the need for telecommunication, wireless communications and transmitting facilities while regulating their location and number so as to insure the provision for necessary services;
 - (2) Minimize the adverse visual effects and the number of such facilities through proper design, locating, screening, material, color and finish and by requiring that competing providers of wireless communications services collocate their commercial communications antennas and related facilities;
 - (3) Ensure the structural integrity of commercial communications antenna support structures through compliance with applicable industry standards and regulations; and
 - (4) Promote the health, safety and welfare of the residents and property owners within the community.
- (B) Unless otherwise specified within this Joint Zoning Ordinance, telecommunication, wireless communication and/or transmitting facilities, as further defined under Article 2, shall be permitted by within as follows:
- (1) By right on all land areas owned and maintained by the municipality with jurisdiction.
 - (2) By right on existing telecommunication, wireless communication and/or transmitting facilities, which have the capacities to accommodate additional facilities.
 - (3) By right on existing buildings and/or structures within the RC, R-1 and R-2 Zoning Districts, which have sufficient height to facilitate the immediate service area of the telecommunication, wireless communication and/or transmitting service provider.
 - (4) By special exception on a proposed telecommunication facility and structures within the RC, R-1 and R-2 Zoning Districts, provided that: such facilities are necessary to satisfy gap coverage requirements; that they are designed to permit co-location with a minimum of four (4) telecommunication providers; and that the all telecommunication facility structures are located at least two hundred (200) feet from a street right-of-way line and property lines.
 - (5) As permitted by the procedural requirements and criteria specified within this Joint Zoning Ordinance.
- (C) All applicants seeking to construct, erect, relocate or alter telecommunication or wireless communications facilities shall secure approval from the governing body, which shall be conditioned upon their demonstrated compliance with the regulations specified under this section of the Joint Zoning Ordinance. As part of this requirement, a site plan shall be prepared and submitted to the municipality with jurisdiction for review and consideration.
- (D) The following specifications concerning location and height shall apply to telecommunication, wireless communication and/or transmitting facilities:
- (1) Telecommunication or wireless communications facilities must be located on a sites identified or permitted by this section of the Joint Zoning Ordinance. A site plan shall be submitted to demonstrate that the requirements for location, height, design, infrastructure and improvements have been properly addressed considering the telecommunication or wireless communication network.
 - (2) No applicant shall have the right under the provisions of this section of the Joint Zoning Ordinance to erect any commercial communications antenna support structure, also referred to as a "tower" in these regulations, to the maximum height specified within this section of the Joint Zoning Ordinance, unless it proves the necessity for such height. The applicant shall demonstrate that the proposed height of the commercial communications antenna support structure and the commercial communications antennas intended to be attached thereto is the minimum height required to provide satisfactory service for the communications.
 - (3) Prior to the governing body approval of a site plan authorizing the construction and installation of a commercial communications antenna support structure in a permitted location or zoning district, the

applicant shall demonstrate that the facility/or structure is necessary to extend or infill its communications system by the use of equipment such as radomes, repeaters, antennas and other similar equipment installed on existing structures, such as utility poles or their appurtenances, and other available tall structures described in this section of the Joint Zoning Ordinance, actually constructed and in existence on the effective date of this ordinance, hereinafter referred as an "existing structure".

- (4) The site plan, whether for a tower or antennas on existing structures, shall be accompanied by a propagation study evidencing the need for the proposed tower or other communications facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the applicant, the power in watts at which the applicant transmits, the design gain of applicant's antennas, the subscriber equipment sensitivity expressed in dBm, the design dBm of the transmission and receiving equipment and the results of the drive test and other studies conducted by the applicant in determining the need for the proposed site and installation.
- (5) No commercial communications antenna support structure shall be taller than 120 feet, as measured from undisturbed ground level, unless the applicant proves that another provider of wireless communications services has agreed to collocate commercial communications antennas on the applicant's tower or that the tower will be available for such collocation. It shall be incumbent upon the applicant to prove that a greater tower height is necessary to provide satisfactory service for wireless communications than is required by the applicant. In such cases, the commercial communications antenna support structure shall not exceed one-hundred and fifty (150) feet unless the applicant secures approval from the municipality with jurisdiction Governing body and the agencies having jurisdiction, by demonstrating such proof as would be required for the granting of a variance under the provisions of this section of the Joint Zoning Ordinance. In no event shall mounted commercial communications antennas' height on any tower extend more than ten (10) feet above the installed height of the tower.
- (6) In those areas where commercial communications antennas and commercial communications antenna support structures are permitted, either a one single-story wireless communications equipment building not exceeding 1,500 square feet in area or up to five (5) metal boxes placed on a concrete pad not exceeding fifty (50) feet by eighty (80) feet in area housing the receiving and transmitting equipment may be located on the permitted site selected for installation and location of the tower for each unrelated company sharing commercial communications antenna space on the tower.
- (7) With the exception of the transmitting and wireless communications equipment necessary to facilitate the tower and commercial communications antennas, all other uses ancillary to commercial communications antennas and commercial communications antenna support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot and vehicular storage area, shall not be located on any site, unless otherwise permitted by this Joint Zoning Ordinance.
- (8) The attachment of telecommunication, wireless communication and/or transmitting facilities to existing structures shall be permitted by right, provided the following condition apply:
 - (a) The proposed use or structure complies with all other provisions of this section of the Joint Zoning Ordinance, whereas the applicant may locate commercial communications antennas and their support members, but not a commercial communications antenna support structure, on a smokestack, utility pole, water tower, commercial or industrial building or any similar tall structure, actually constructed and in existence on the effective date of this ordinance.
 - (b) The height of the commercial communications antennas and apparatus attaching the commercial communications antennas thereto shall not exceed by more than ten (10) feet the height of such existing structure, unless the applicant proves that a greater antenna height is required to make it an adequately functional component of the applicant's system, but in no case shall such height exceed twenty-five (25) feet.
 - (c) The applicant proves that such location is necessary to satisfy the antenna's function within the communications system and will obviate the need for the erection of a commercial communications antenna support structure in another location where the same is permitted.

- (d) The applicant employs concealment or other reasonably appropriate stealth measures, as determined appropriate by the governing body, to camouflage or conceal the antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures, such as steeples, silos, and advertising signs, the replication of steeples and other structures for such purpose, the simulation of elements of rural landscapes, such as trees, and such other measures as are available for use for such purpose.
 - (e) Commercial communications antennas may be located entirely within a steeple, but no portion of the antenna shall be visible from the outside.
 - (f) If the governing body finds that location of antennas on a structure, which was constructed prior to the effective date of this Joint Zoning Ordinance, obviates the need for the construction and erection of a tower in a permitted zoning district in which a tower is a permitted by right, the governing body may authorize as part of the site plan approval process, the location of up to five (5) metal boxes placed on a concrete pad not exceeding 25 feet by 30 feet in area housing the receiving and transmitting equipment necessary to the operation of the antennas provided that: the pad is located within the side yard or rear yard; that the pad and boxes are set back from the property line by a minimum of 30 feet; the combined height of the pad and boxes does not exceed eight feet; and an evergreen landscape buffer screen is planted and maintained as required by the governing body.
- (9) The minimum distances between the base of a commercial communications antenna support structure and any adjoining property line or street right-of-way line shall equal fifty (50) percent of the proposed commercial communications antenna support structure height. Where the site on which a tower is proposed to be located is contiguous to an educational use, child day-care facility or residential use, the minimum distance between the base of a commercial communications antenna support structure and any such adjoining uses shall equal one hundred and ten (110) percent of the proposed commercial communications antenna support structure height, unless it is demonstrated to the reasonable satisfaction of the governing body that in the event of tower failure, the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.
- (10) Unless otherwise specified within this Joint Zoning Ordinance or as permitted by the governing body, a proposed telecommunication or wireless communications facility must be located or separated by a horizontal distance of 3,000 feet from any another telecommunication or wireless communications facility.
- (E) The following standards and specifications shall apply structural stability, support and design of all telecommunication, wireless communication and/or transmitting facilities:
- (1) The applicant shall demonstrate that the proposed commercial communications antennas and commercial communications antenna support structures are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineer, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association, and other established standards identified by the municipality with jurisdiction. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.
 - (2) When one or more commercial communications antennas are to be located on an existing structure and the general public has access to the structure on which the commercial communications antenna is to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes or other metals. For purposes of this subsection, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to power lines and telephone wires, during which process the transference of energy from one to another occurs.
 - (3) In order to reduce the number of commercial communications antenna support structures within the municipality with jurisdiction in the future, the proposed commercial communications antenna support structure shall be designed to accommodate other potential communications users, including but not limited to, commercial wireless communications companies, local police and fire and ambulance companies.

- (4) If the wireless communications facility is fully automated, adequate parking shall be required for all maintenance workers, with a minimum of two spaces provided. If the wireless communications facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the wireless communications facility during the largest shift.
- (5) Commercial communications antenna support structures shall be painted silver or another color approved by the governing body, or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. In furtherance of this provision, the governing body may require that:
 - (a) Commercial communications antenna support structures be painted green up to the height of nearby trees; and/or
 - (b) Wireless communications equipment buildings, which house electrical transmitter equipment be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
- (6) In making these determinations concerning aesthetics and architectural compatibility, the governing body shall consider the following:
 - (a) If it will promote the harmonious and orderly development of the zoning district involved;
 - (b) If it is compatible with the character and type of development existing within the area;
 - (c) If the benefits exceed any negative impacts on the aesthetic character of the community;
 - (d) If it preserves woodland areas and trees existing at the site to the greatest possible extent; and
 - (e) If it encourages sound engineering practices and land development design.
- (F) Unless otherwise permitted by the governing body as part of the site plan, the following general site improvements, compliance provisions and procedural obligations shall be required for all telecommunication, wireless communication and/or transmitting facilities:
 - (1) No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or other governmental agency.
 - (2) Where appropriate, the commercial communications antenna support structures shall meet all FAA regulations. No commercial communications antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to the minimum lumens and number of lights so required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities as well as The municipality with jurisdiction.
 - (3) The applicant shall describe the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic safety and noise impacts of such maintenance.
 - (4) In the event that a commercial communications antenna is attached to an existing structure, vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the existing principal use.
 - (5) If the applicant proposes to build a commercial communications antenna support structure (as opposed to mounting the commercial communications antenna on an existing structure), the applicant shall prove to the governing body that it has contacted the owners of structures of suitable location and height, either other towers or existing tall structures within 3,000 foot radius of the site proposed, asked for permission to install

the commercial communications antennas on those structures and has been denied. The governing body may deny an application to construct a new commercial communications antenna support structure if the applicant has not made a good faith effort to mount the commercial communications antenna on an existing structure.

- (6) If use of the wireless communications facility is abandoned or if the wireless communications facility is not in use for a period of six (6) months or longer, the owner shall demolish and/or remove the wireless communications facility from the site within six (6) months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications facility. In the event that the demolition and/or removal referred to above are not performed in a timely manner, the landowner shall be subject to the enforcement remedies of this Joint Zoning Ordinance.
 - (7) As part of the site plan, the applicant seeking to construct, erect, relocate or alter a wireless communications facility shall file a written certification that all property owners within a one thousand (1,000) foot radius of the property on which the commercial communications antenna support structure is proposed to be located have been given written notice by the applicant of the applicant's intent to construct, erect, relocate or alter a wireless communications facility. The certification shall contain the name, address and tax parcel number of the property owners so notified.
 - (8) In the event that the communication facilities cause interference with the radio or television reception of any residential or non-residential use within the municipality with jurisdiction for a period of three (3) continuous days, the resident shall notify the applicant of such interference, and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the enforcement remedies of this Joint Zoning Ordinance.
 - (9) A security fence shall be required around the antenna support structure and other equipment, unless the commercial communications antenna is mounted on an existing structure.
 - (10) Landscaping shall be required to screen and buffer as much of a newly constructed commercial communications antenna support structure as possible. The governing body may permit a combination of existing vegetation, topography, walls, decorative fences or other features in lieu of landscaping.
- (G) The following background information and documentation shall be submitted as part of the site plan:
- (1) The applicant shall demonstrate that it is a commercial wireless communications company, licensed by the Federal Communications Commission (FCC) or, in the case of those companies that own and erect towers for lease to such companies, that it has an existing contract with one or more such companies to locate on the proposed tower (in those zoning districts or areas where such towers are permitted) and provide the Township Secretary with copies of all FCC applications, permits, approvals, licenses and site inspection records. All such information shall be accompanied by a certification signed by two officers of the applicant that the information being supplied is true and correct to the best of their knowledge, information and belief. The applicant shall also provide the municipality with jurisdiction with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
 - (2) A soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-E, as amended, or other pertinent codes and specifications, shall be submitted to the municipality with jurisdiction to document and verify the design specifications of the foundation for the commercial communications antenna support structure, and anchors for the guy wires, if used.
 - (3) Prior to the issuance of a permit authorizing construction and erection of a commercial communications antenna support structure, a structural engineer registered in the Commonwealth of Pennsylvania shall issue a written certification to the municipality with jurisdiction of its ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the commercial communications antenna support structure. Where antennas are proposed to be attached to an existing structure, the structural engineer shall certify that both the structure and the antennas and their appurtenances meet minimum industry standards for structural integrity.

- (4) The site plan shall show all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to the commercial communications antennas, commercial communications antenna support structure, building, fencing, buffering and ingress and egress. The site plan shall comply with the requirements of this section of the Joint Zoning Ordinance.
- (5) The owner or management group of any wireless communications facilities shall pay any required registration fees and shall provide the municipality with jurisdiction with the following information:
 - (a) The names and addresses of the owner of the communication facilities and any organizations utilizing the wireless communications facility and telephone numbers of the appropriate contact person in case of emergency.
 - (b) The name and address of the property owner on which the communications facility is located.
 - (c) The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.
 - (d) Output frequency of the transmitter.
 - (e) The type of modulation, digital format and class of service.
 - (f) Commercial communications antenna(s) gain.
 - (g) The effective radiated power of the commercial communications antenna(s).
 - (h) The number of transmitters, channels and commercial communications antenna(s).
 - (i) A copy of the owner or operator's FCC authorization.
 - (j) Commercial communications antenna(s) height.
 - (k) Power input to the commercial communications antenna(s).
 - (l) Distance to nearest base station.
 - (m) A certification signed by two officers of the applicant that the wireless communications facility is continuing to comply with this chapter and all applicable governmental regulations, including but not limited to output and emission limits established by the FCC.
 - (n) The municipality with jurisdiction may assess an annual permit fee to each provider. All such permit fees shall be established by resolution.
- (6) A certificate of insurance issued to the owner/operators evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the site and the communication facilities.
- (H) At the discretion of the governing body, the provisions of this section of the Joint Zoning Ordinance may be adjusted or modified to facilitate the evolving technology of the telecommunication and wireless communication industry. In all such cases, the applicant shall provide technical evidence to the municipality with jurisdiction that the adjustment or modification will meet the purpose and objectives of this section of the Joint Zoning Ordinance.

Section 657: Theater

- (A) Theater, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
 - (1) A theater shall be permitted by special exception within the C-1 and C-2 Zoning Districts.
 - (2) A theater shall be permitted by special exception within the Perkiomen Avenue Overlay District, subject to the provisions of Sections 505 and 657 of this Joint Zoning Ordinance.

- (B) Permitted Uses: The following principal and accessory uses shall be permitted as part of a theater:
- (1) The principal use shall be the theater, which shall be contained within a building that includes a stage and/or screen with seating available to accommodate customers or patrons to view movies, plays, concerts, meetings, social events and/or other similar performances.
 - (2) Accessory or subordinate uses for the theater shall be limited to: administrative offices; retail sales; concession stands; admission areas; and/or other similar uses, as determined appropriate by the municipality with jurisdiction. The accessory uses shall only be made available to the customers or patrons of the theater.
 - (3) Theater with outdoor viewing or drive-in facilities shall not be permitted.
 - (4) Adult uses shall not be permitted as part of the uses associated with the theater.
- (C) The following lot area and dimensional requirements shall apply to a theater:
- (1) A theater located within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 20,000 square feet.
 - (2) A theater located within the Perkiomen Avenue Overlay District shall have a minimum lot area of 10,000 square feet
 - (3) The theater shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the underlying zoning district or overlay district on which the use is located.
- (D) The following standards and specifications shall be required for a theater:
- (1) The use shall be serviced by public sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (5) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (6) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
 - (7) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
 - (8) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the special exception application, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading

plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the application, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.

- (F) As part of the special exception application, the Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.
- (G) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the municipality with jurisdiction.

Section 658: Townhouse Uses and Developments

- (A) Townhouse uses and developments, as defined under Article 2 of this Joint Zoning Ordinance, are permitted as follows:
 - (1) Townhouses containing eight (8) or fewer dwelling units that are developed or maintained as individual uses shall be permitted by right within the R-4 and R-5 Zoning Districts.
 - (2) Townhouses containing more than eight (8) dwelling units that are contained within a development or maintained as individual uses shall be permitted by conditional use within the R-4 and R-5 Zoning Districts.
- (B) The minimum amount of land contained within a townhouse development shall as follows:
 - (1) For townhouse units located on existing lots or contained within a group no more than eight (8) townhouse units, the lot area and dimensional requirements specified by the underlying zoning district shall apply as well as the applicable provisions specified under Sections 658.C and 658.D of this Joint Zoning Ordinance.
 - (2) For townhouse developments containing less than two (2) acres of contiguous land area, the provisions specified under Sections 658.C and 658.D of this Joint Zoning Ordinance shall apply.
 - (3) For townhouse developments containing between two (2) acres and ten (10) acres of contiguous land area, the provisions specified under Section 658.C through 658.F of this Joint Zoning Ordinance shall apply.
 - (4) For townhouse developments containing more than ten (10) acres of contiguous land area, the provisions specified under Section 658.C through 658.J of this Joint Zoning Ordinance shall apply.
 - (5) Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The municipality with jurisdiction may consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the multi-family townhouse unit development can be strategically planned and designed as a townhouse community.
- (C) The townhouse use and development shall comply with the following general requirements:
 - (1) The use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (3) All other utility provisions serving the development shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (4) The maximum permitted residential density (townhouse units per gross acre) for multi-family townhouse unit developments shall not exceed eight (8) townhouse units per gross acre.
- (D) The townhouse use and development shall be designed to comply with the following minimum and maximum dimensional requirements:
 - (1) The minimum width of a townhouse unit shall be twenty (20) feet per unit.
 - (2) The minimum building setback lines should be established twenty (20) feet from any street right-of-way line and forty (40) feet from all other external property lines, which are not owned by the applicant in pre-development conditions.
 - (3) The number of townhouse units, attached in a common row, shall not exceed eight (8) attached townhouse units.
 - (4) The maximum height of a townhouse unit shall be thirty-five (35) feet. The maximum height may be increased to fifty (50) feet or three (3) floors provided that a sprinkler system shall be installed, provided that adequate water pressure and supply is available for fire suppression and protection.
 - (5) No more than thirty (30) percent of the total area of the development shall be covered by buildings.
 - (6) No more than fifty (50) percent of the total area of the development shall be covered by impervious surfaces.
- (E) The minimum building separation from other groups of townhouse units within the development shall be as follows:
 - (1) The separation shall be twenty (20) feet when the townhouse unit groups are side to side.
 - (2) The separation shall be thirty (30) feet when the townhouse unit groups are side to rear.
 - (3) The separation shall be forty (40) feet when the townhouse unit groups are rear to rear.
- (F) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (G) The townhouse development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
 - (1) The development shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the land development plan utilizing the objective criteria and standards of the municipality with jurisdiction relating to the housing types, street locations and required infrastructure and their intended location within the site.
 - (2) A preliminary grading plan shall be developed identifying the limits of disturbance for all municipal site improvements within the multi-family townhouse unit development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical engineering practices.
 - (3) A landscaping plan shall be submitted to the municipality with jurisdiction for consideration as part of the special exception application. Unless otherwise permitted by the municipality with jurisdiction, the applicant shall provide one (1) tree per townhouse unit. The trees should be a minimum of three (3) inches in diameter, as measured six (6) inches from the ground surface, and shall be planted as street trees, as part of the buffer yard, or within the areas designated as common open space.

- (4) The multi-family development shall provide a twenty (20) foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the approval of the municipality with jurisdiction. The use of existing healthy mature trees (12 inches or more in diameter at breast height) should be utilized as part of the required buffer yard.
- (5) Townhouse units should be constructed utilizing mansards, gables and/or hip roofs as part of the architectural design. The front building lines or facade of any two (2) adjoining townhouse units shall be staggered or offset, so that each townhouse unit will have a minimum horizontal separation (front to back at full height) of two (2) feet.
- (6) The internal access drives and common off-street parking areas and access drives shall be designed considering the provisions of Article 8 of this Joint Zoning Ordinance as well as the following requirements:
- (7) The parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.
- (8) Common parking areas and access drives shall be located a minimum of twenty (20) feet from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of ten (10) feet from all street rights-of-way and exterior lot lines of the development.
- (9) The entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
- (10) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) off-street parking spaces shall be accommodated in any one (1) parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under Section 914 of this Joint Zoning Ordinance.
- (11) The points of ingress and egress from common parking areas within the development shall be located a minimum of one hundred (100) feet from the point of a street intersection, as measured from the nearest street curb lines.
- (12) Exterior storage areas for trash and rubbish shall be completely screened from view on three (3) sides by fencing and landscaping. All trash and rubbish shall be contained in vermin-proof containers.
- (H) The design of the land or water areas designated as common open space shall comply with the following standards and specifications:
 - (1) A minimum of forty (40) percent of the gross area of the multi-family townhouse unit development shall be set aside as common open space, which shall be perpetually preserved by deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this Joint Zoning Ordinance.
 - (2) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas classified as Category 3 Slopes.
 - (3) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described under Subdivision and Land Development Ordinance.
 - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the special exception application.

- (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
- (6) An integrated system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks, trails and/or bicycle lanes.
- (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than fifty (50) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the development containing no less than twenty-five (25) percent of the required open space.
- (8) For all common open spaces, satisfactory written agreements shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, which shall be recorded with the approved plan.
- (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to the municipality with jurisdiction, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to maintain the common open space.
 - (d) Retain the ownership, management and maintenance responsibilities.
- (10) All such options involving the ownership, management and maintenance of land and water areas designated as common open space shall be subject to the approval of the municipality with jurisdiction.
- (11) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by the municipality with jurisdiction, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (I) In addition to the townhouse units, the proposed multi-family development may contain the following non-residential uses, provided they are considered as part of the special exception application:
 - (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the development and which are owned and operated by the developer or homeowners association.
 - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the multi-family townhouse unit development.
 - (3) Active and passive recreation uses conducted on the areas designated as common open space.
- (J) The applicant shall provide evidence that the use or activities comply with the provisions established by this Joint Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application or land development plan application, the applicant shall consult with the municipality with jurisdiction to discuss the supplemental documentation that may be required as part of the application.
- (K) If the governing body with municipal jurisdiction approves the conditional use application, a complete land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the municipality with jurisdiction.

- (L) As part of the land development plan application, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 659: Transitional-Age Development

- (A) Transitional-age developments, containing townhouse residential uses and/or multi-family residential complexes as condominium units, shall be considered as a viable use to meet the following community development objectives:
- (1) To provide a unique approach for housing and community development with provisions to permit more efficient utilization of land and of community facilities and services.
 - (2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.
 - (3) To efficiently utilize undeveloped land area, while providing unique housing opportunities for families as well as retired persons over fifty-five (55) years of age.
 - (4) To implement the recommendations concerning natural features, development, utilities, transportation, housing and land use, as outlined within the Joint Comprehensive Plan.
- (B) Transitional-age developments, as defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by conditional use within the R-5 Zoning District.
- (C) All transitional-age developments shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land in the development shall be two (2) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties.
 - (2) All of the uses contained within the transitional-age development shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
 - (3) All of the uses contained within the development shall be served by public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all municipal agreements.
 - (4) A minimum of twenty (20) percent of the gross area of the transitional-age development shall be set aside as common open space. The area designated as common open space shall comply with all provisions of this section of the Joint Zoning Ordinance.
 - (5) The maximum permitted base residential density for transitional-age developments shall be twelve (12) dwelling units per acre.
 - (6) A density bonus of two (2) dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this sub-section) achieved as part of the conditional use application. The maximum permitted density bonus shall not exceed 8.0 dwelling unit per gross acre. As part of the conditional use application, the governing body with municipal jurisdiction may consider a density bonus for the following design objectives:
 - (a) The transitional-age development is designed as an adult or age-qualified development, whereas, at least twenty-five (25) percent of the residential units shall be occupied by residents over 55 years of age and who do not have any children or dependants.

- (b) The transitional-age development provides additional consideration to on-site traffic, drainage and sanitary sewer improvements over and above what is otherwise required by ordinance, which are deemed necessary by the governing body with municipal jurisdiction to accommodate the residential density of the transitional-age development.
- (c) The transitional-age development provides consideration for active recreation facilities on at least ten (10) percent of the land area designated as open space within the transitional-age development.
- (d) The transitional-age development provides passive recreational opportunities or open space areas that are considered planned and integrated with other community features.
- (e) The transitional-age development is designed with a village or historic atmosphere with unique or enhanced architectural values, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
- (f) The transitional-age development provides additional open space areas beyond the minimum requirement of twenty (20) percent of the gross tract area, regardless of configuration, such that a 2.0 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the traditional neighborhood development. The maximum density bonus for this provision shall not exceed 4.0 dwelling units per acre.
- (g) The transitional-age development is designed in an environmentally sensitive fashion that results in the preservation of mature trees, woodlands, steep slopes, floodplains and wetlands.
- (h) The applicant agrees to fund and complete substantial public improvements to mitigate one (1) or more off-site impacts of the development, such as public streets and intersections, stormwater management facilities, public water supply facilities and/or public sanitary sewer facilities, as identified by the governing body with municipal jurisdiction as a means to significantly reduce the need for public expenditures to resolve clear public needs associated to any degree with the proposed conditional use development.

(D) The following land uses shall be permitted uses within an transitional-age development:

- (1) Townhouse units, subject to the following minimum and maximum development requirements:
 - (a) The minimum width of a townhouse unit shall be 20 feet.
 - (b) The minimum building setback line should be established 20 feet from the right-of-way lines or external property lines, which are not owned by the applicant in pre-development conditions.
 - (c) The minimum separation distance from groups of occupied buildings shall be 40 feet, regardless of their orientation.
 - (d) The maximum height of a townhouse unit shall be limited to three (3) floors of living space above the elevation of the sill at the main entrance of that townhouse unit.
 - (e) A minimum of two (2) off-street parking spaces shall be required for each townhouse unit, which may be incorporated within individual attached or detached garages.
- (2) Multi-family residential complex containing condominium units, subject to the following minimum and maximum development requirements:
 - (a) The total number of individual residential units contained within a single complex or building shall not exceed forty (40) condominium units.
 - (b) The minimum building setback line should be established 50 feet from the right-of-way lines or external property lines, which are not owned by the applicant in pre-development conditions.

- (c) The minimum separation distance from groups of occupied buildings shall be 40 feet, regardless of their orientation.
 - (d) The maximum length or depth of any building occupying individual condominium units shall not exceed 150 feet.
 - (e) The building occupying condominium units shall be limited to five (5) floors of living space above the elevation of the sill at the main entrance of that building.
 - (f) A minimum of one and one-half (1.5) off-street parking spaces shall be required for each condominium unit, which may be incorporated within common garages or areas designated for off-street parking.
- (3) Office space consisting of no more than 2,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the transitional-age development and which are owned and operated by the developer or homeowners association.
- (4) Indoor recreation and/or community center consisting of no more than 5,000 square feet and utilized exclusively by the residents of the transitional-age development.
- (5) No impact home based business or occupation.
- (6) Accessory buildings, structures and uses.
- (E) The transitional-age development shall be designed in accordance with the following planning and engineering considerations:
 - (1) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the transitional-age development shall be set aside and maintained as common open space.
 - (2) No more than sixty (60) percent of the transitional-age development shall be covered by buildings.
 - (3) No more than eighty (80) percent of the transitional-age development units shall be covered by impervious surfaces.
 - (4) The proposed residential dwelling units within the transitional-age development shall not have direct vehicular access to an existing public street.
- (F) The applicant shall provide evidence that the use or activities comply with the provisions established by this Joint Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application or land development plan application, the applicant shall consult with the municipality with jurisdiction to discuss the supplemental documentation that may be required as part of the application.
- (G) If the governing body with municipal jurisdiction approves the conditional use application, a complete land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the municipality with jurisdiction.
- (H) As part of the land development plan application, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions.

Section 660: Veterinary Hospitals

- (A) Veterinary hospitals, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted as follows:
- (1) A veterinary hospital with or without an outdoor running or exercise facilities shall be permitted by special exception within the RC and R-1 Zoning District.
 - (2) A veterinary hospital with no outdoor running or exercise facilities shall be permitted by special exception within the C-1 and C-2 Zoning Districts
 - (3) A veterinary hospital may be permitted as an accessory use to a kennel within the RC and R-1 Zoning District.
 - (4) A veterinary hospital may include accessory uses including: pet grooming services; pet training services; retail sales of pet supplies; and other similar uses. Personal service facilities and/or retail sales of items commonly found in connection with the veterinary hospital shall be limited to a maximum floor area of 1,000 square feet of gross floor area
- (B) The following lot area and dimensional requirements shall apply to a veterinary hospital:
- (1) A veterinary hospital located within the RC and R-1 Zoning District shall have a minimum lot area of five (5) acres
 - (2) A veterinary hospital located within the C-1 and C-2 Zoning Districts shall have a minimum lot area of 20,000 square feet.
 - (3) A veterinary hospital shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
- (C) The following design standards and specifications shall apply to veterinary hospitals or animal clinics:
- (1) The use shall be serviced by public, private or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public, private or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (4) Veterinary hospitals or animal clinics shall be located at least one hundred fifty (150) feet from all existing residential uses, as measured from the veterinary hospital or animal clinic to the existing residential use.
 - (5) Outdoor runs may be permitted for the animals being cared for at the veterinary hospital within the RC and R-1 Zoning Districts, subject to the following conditions:
 - (a) The outdoor runs are conducted between the hours of 7:00 a.m. and 9:00 p.m.
 - (b) The outdoor runs are conducted within a defined external area, which is completely enclosed by a six (6) foot high fence. The perimeter of the fence shall be adequately screened with a twenty (20) foot wide landscaped buffer yard.
 - (c) The location of the outdoor runs shall be located at least one hundred (100) feet from all property lines and street right-of-way lines.

- (6) The veterinary hospital or animal clinic shall be adequately soundproofed so that the sounds generated by the animals being cared for are not audible or detectable from any lot line.
- (7) If an incineration (retort) device is proposed to be installed on the property, the applicant shall prove during the special exception application that he has secured the required approvals, permits and licenses from the agencies having jurisdiction.
- (8) The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending removal to or disposal at an approved facility. A plan for management of such wastes shall be submitted for municipal review as part of the special exception application.
- (9) All means of ingress and/or egress shall be located and designed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (10) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (11) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (12) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (D) As part of the special exception application, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (E) As part of the special exception application, the Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.
- (F) If the Zoning Hearing Board approves the special exception application, a land development plan shall be submitted for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the municipality with jurisdiction

Section 661: Warehousing and Distribution Center

- (A) Warehouse and distribution center, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by right within the I-1 Zoning District.
- (B) The following provisions shall apply to principal and accessory uses for a warehouse and distribution center:
 - (1) The principal use shall be the warehouse and distribution center.
 - (2) Retail sales of the goods and products produced or distributed from the warehouse may be permitted as an accessory use. The designated area for retail sales shall not exceed ten (10) percent of the total gross floor area or one thousand (1,000) square feet, whichever is less in surface area.
 - (3) All principal and accessory uses and activities associated with the warehouse and distribution use shall be conducted within an enclosed building that complies with the appropriate building code requirements for a commercial and/or industrial establishment within the municipality with jurisdiction.

- (C) The following lot area and dimensional requirements shall apply to a warehouse and distribution use:
- (1) A warehouse and distribution use located within the I-1 Zoning District shall have a minimum lot area of 20,000 square feet, provided that the use is served by public sanitary sewage disposal facilities and public water supply facilities.
 - (2) A warehouse and distribution use located within the I-1 Zoning District shall have a minimum lot area of two (2) acres if the use is serviced by on-lot sanitary sewage disposal facilities and/or on-lot water supply facilities.
 - (3) The warehouse and distribution use shall be located on a conforming lot that complies with the utility provisions, dimensional, height and coverage requirements of the zoning district on which the use is located.
- (D) The following standards and specifications shall be required for a warehouse and distribution use:
- (1) The use shall be serviced by public or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) The quantity and quality of the wastewater generated, stored, transported and/or discharged shall be subject to the review and approval of the municipality with jurisdiction, the municipality with jurisdiction Municipal Authority and the Pennsylvania Department of Environmental Protection.
 - (4) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (5) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
 - (6) The landowner shall provide the municipality with jurisdiction and the local emergency management service responders (police, fire and ambulance) with a complete list of materials, chemicals and/or substances that are typically stored or maintained on the property that could be considered hazardous or dangerous to the employees, visitors and/or emergency service responders. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use.
 - (7) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time that exceed the provisions specified by the Pennsylvania Diesel Powered Motor Vehicle Act and other state or federal laws.
 - (8) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
 - (9) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.

- (10) All proposed signs shall comply with the provisions that are specified under Article 9 of this Joint Zoning Ordinance.
- (11) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (F) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit

Section 662: Wholesale Establishment

- (A) Wholesale establishments, as further defined under Article 2 of this Joint Zoning Ordinance, shall be permitted by right within the I-1 Zoning District.
- (B) The following provisions shall apply to principal and accessory uses for a wholesale establishment:
 - (1) The principal use shall be the wholesale establishment.
 - (2) Retail sales of the goods and products produced or distributed from the wholesale establishment may be permitted as an accessory use. The designated area for retail sales shall not exceed ten (10) percent of the total gross floor area or one thousand (1,000) square feet, whichever is less in surface area.
 - (3) All principal and accessory uses and activities associated with the wholesale establishment shall be conducted within an enclosed building that complies with the appropriate building code requirements for a commercial and/or industrial establishment within the municipality with jurisdiction
- (C) The following lot area and dimensional requirements shall apply to a wholesale establishment:
 - (1) A wholesale establishment located within the I-1 Zoning District shall have a minimum lot area of 20,000 square feet, provided that the use is served by public sanitary sewage disposal facilities and public water supply facilities.
 - (2) A wholesale establishment located within the I-1 Zoning District shall have a minimum lot area of two (2) acres if the use is serviced by on-lot sanitary sewage disposal facilities and/or on-lot water supply facilities.
 - (3) The wholesale establishment shall be located on a conforming lot that complies with the utility provisions, dimensional, height and coverage requirements of the zoning district on which the use is located.
- (D) The following design standards and specifications shall apply to a wholesale and distribution facilities:
 - (1) The use shall be serviced by public or on-lot sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The use shall be serviced by public or on-lot water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.

- (3) The quantity and quality of the wastewater generated, stored, transported and/or discharged shall be subject to the review and approval of the municipality with jurisdiction, the municipality with jurisdiction Municipal Authority and the Pennsylvania Department of Environmental Protection.
- (4) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (5) All means of ingress and/or egress shall be located, designed and constructed in order to provide a safe and efficient mode of transportation. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and the municipality with jurisdiction.
- (6) The landowner shall provide the municipality with jurisdiction and the local emergency management service responders (police, fire and ambulance) with a complete list of materials, chemicals and/or substances that are typically stored or maintained on the property that could be considered hazardous or dangerous to the employees, visitors and/or emergency service responders. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use. This documentation could be provided by the landowner through the submission of the current Materials Safety Data Sheets (MSDS Book) for the use.
- (7) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time that exceed the provisions specified by the Pennsylvania Diesel Powered Motor Vehicle Act and other state or federal laws.
- (8) The provisions for landscaping, lighting, noise, outdoor storage, solid waste disposal and other general requirements shall be considered and designed to comply with the applicable provisions of Article 7 of this Joint Zoning Ordinance.
- (9) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified under Article 8 of this Joint Zoning Ordinance.
- (10) All proposed signs shall comply with the provisions specified under Article 9 of this Joint Zoning Ordinance.
- (11) The applicant shall develop, implement and maintain a working plan for the solid waste disposal, recycling and the clean-up of litter that could be a result of the proposed use.
- (E) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by the municipality with jurisdiction. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the municipality with jurisdiction to discuss the supplemental documentation that may be required.
- (F) As part of the land development plan, the municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

Section 663: Undefined or Other Land Uses

- (A) Pursuant to the provisions involving the regional allocation of land uses, as summarized under Section 105 of this Joint Zoning Ordinance, certain uses may not be permitted or recognized by this Joint Zoning Ordinance, but may be permitted and included as part of the municipal zoning ordinance that has been adopted by Mount Penn Borough or by other adjacent municipalities within the region. Should a use not be permitted or recognized within any of the Joint Zoning Ordinances, an application should be made to the Zoning Officer in accordance with the provisions of Sections 105, 663, 1110 and 1111 of this Joint Zoning Ordinance.

- (B) Should other types of land uses evolve or become commonly acceptable as a reasonable use, an application should be made to the Zoning Officer. It is the purpose of this section to provide for all reasonable and appropriate land uses and to establish a mechanism for the inclusion of such land uses within the municipality with jurisdiction.
- (C) All undefined or other reasonable land uses that are not recognized by this Joint Zoning Ordinance shall be permitted by conditional use within the I-1 Zoning District.
- (D) The following lot area and dimensional requirements shall apply to an undefined or other land use:
 - (1) A minimum of five (5) acres of net land area shall be required to accommodate the undefined use. Depending upon the complexity or intensity of the proposed undefined land use, the governing body may consider a reduction of the minimum area requirement, however, in no case shall the minimum lot size be reduced to less than two (2) contiguous net acres of land.
 - (2) An undefined use or other non-permitted use shall be located on a conforming lot that complies with the dimensional, height and coverage requirements of the zoning district on which the use is located.
- (E) Unless otherwise permitted by the municipality with jurisdiction, the following design and development requirements shall apply to all undefined or other reasonable land uses:
 - (1) The undefined or non-permitted use shall be serviced by public sanitary sewer facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (2) The undefined or non-permitted use shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
 - (3) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (F) As part of the conditional use application, the governing body shall consider the following information and documentation to be submitted to the municipality with jurisdiction on behalf of the applicant:
 - (1) The applicant shall submit a request for inclusion of an undefined or other reasonable land use that is not recognized as part of the Joint Zoning Ordinance, with illustrations and complete documentation that completely describes the land use activity and the manner in which it differs from the permitted uses defined or permitted by the Joint Zoning Ordinance.
 - (2) Prior to the commencement of the hearing, the Zoning Officer shall advise the municipality with jurisdiction if the application meets the purpose and objective of this section of the Joint Zoning Ordinance.
 - (3) The applicant shall provide evidence that the undefined or non-permitted use shall comply with all provisions established within the Joint Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the municipality with jurisdiction to initially discuss the supplemental documentation that may be required as part of the application.
- (G) If the governing body approves the conditional use application, a complete subdivision and/or land development plan shall be submitted to the municipality with jurisdiction for review and consideration. The subdivision and/or land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by this Joint Zoning Ordinance.

Article 7: General Regulations

Section 701: Statement of Intent

- (A) The purpose and objective of the provisions established under Article 7 of this Joint Zoning Ordinance is to establish general regulations for residential and non-residential land uses.
- (B) The provisions contained under Article 7 of this Joint Zoning Ordinance are intended to serve as minimum requirements to promote the public health, safety and the general welfare of the residents and property owners. These regulations shall supplement and not replace the provisions established in this Joint Zoning Ordinance.
- (C) Unless otherwise specified within this Joint Zoning Ordinance and/or where the general regulations contained within Article 7 impose greater restrictions than those of any other statute, ordinance or regulation, the provisions established under Article 7 of this Joint Zoning Ordinance shall prevail.

Section 702: Access to Lots, Buildings, Structures and Uses

- (A) All buildings and structures that are erected or moved shall be located on a lot adjacent to a public street or an approved private street. The erection of buildings without approved access shall not be permitted.
- (B) All buildings and structures shall be so located on the lots in such a manner to provide safe and convenient access for emergency vehicles and off-street parking.
- (C) Unless specified within this Joint Zoning Ordinance, no more than one (1) principal building, structure or use of land shall be permitted or erected on a single lot.
- (D) Access to all permitted uses shall comply with the provisions specified by this Joint Zoning Ordinance.
- (E) Where more than one (1) principal uses is permitted, the property shall either be subdivided to comply with the provisions of this Joint Zoning Ordinance or be capable of being subdivided to comply with the provisions of this Joint Zoning Ordinance. The governing body with municipal jurisdiction shall prescribe the requirements for subdivision and land development.

Section 703: Accessory Uses, Buildings and Structures

- (A) General Provisions: Accessory buildings and structures including garages, carports, swimming pools, therapeutic spas, hot tubs, horse barns, pole building, barns, utility sheds, storage buildings, residential gardens, tennis courts, non-recreational structures, gazebos, greenhouses, miscellaneous landscaping features, and other similar accessory uses, buildings and structures, shall comply with the location, size, coverage and height provisions that are specified by the general provisions contained under Section 703 of this Joint Zoning Ordinance. Where the general regulations are not specified for a specific use or activity, the provisions of the underlying zoning district on which the accessory use, building or structure is located shall apply.
- (B) Accessory building and structures shall count towards the building coverage and lot coverage for the lot to which the accessory building or structure is located.
- (C) Garages, Carports, Barns and Pole Barns: The following provisions shall specifically apply to garages, carports, barns and pole barns:
 - (1) All private garages and carports that are designated for a permitted use shall comply with the area, dimensional, lot coverage and height requirements that are specified by the zoning district to which the garage or carport is located.
 - (2) Barns utilized as part of a permitted agricultural operation shall comply with the area, bulk, setback and height requirements that are specified by the zoning district to which the barn is located.
 - (3) Pole barns utilized as part of a permitted use shall comply with the area, bulk, setback and height requirements that are specified by the zoning district to which the barn is located.

- (4) Barns and pole barns utilized as part of a permitted agricultural operation shall comply with the provisions that are specified under Section 604 of this Joint Zoning Ordinance.
- (5) Unless otherwise permitted by the municipality with jurisdiction, a garage, carport, barn and/or pole barn for a residential use shall comply with the following design requirements:
 - (a) The garage, carport, barn and/or pole barn shall not extend or project more than five (5) feet into the front yard or in front of the façade of the principal building occupied by the residential use.
 - (b) The garage, carport, barn and/or pole barn shall only be permitted within the front yard of the lot if the Zoning Officer determines that the side yard and rear yard of the lot contains site development restrictions or environmentally sensitive lands including floodplains, wetlands, steep slopes (over 20 percent), stormwater management facilities, utilities and other similar factors that would prohibit a permitted location within the side yard or rear yard of the lot.
 - (c) The footprint or surface area of a garage, carport, barn or pole barn for a residential use within the R-3, R-4 and R-5 Zoning Districts shall not be larger than the footprint or surface area of the principal building occupied by the residential use.
 - (d) The maximum height of a garage, carport, barn and/or pole barn shall be sixteen (16) feet within the R-3, R-4 and R-5 Zoning Districts.
 - (e) The selected building materials, architectural appearance and color combination shall be consistent with the general character of the neighborhood and uses contained with the zoning district on which the garage, carport, barn and/or pole barn is located.
- (6) A garage, carport, barn or pole barn shall be located at least five (5) feet from a right-of-way or easement that traverses through or along side of the lot.
- (7) The garage, carport, barn or pole barn shall be located, designed, constructed and installed in accordance with the manufacture's specifications, and the building codes of the municipality with jurisdiction
- (D) Sheds: The following provisions shall specifically apply to utility sheds and storage sheds:
 - (1) Utility sheds and storage sheds for any permitted use located within the RC, R-1, R-2 and I-1 Zoning Districts shall comply with the following requirements:
 - (a) Utility sheds or storage sheds that are less than 144 square feet in floor or surface area may be erected in the side yard or rear yard, provided it is located at five (5) feet from the property line.
 - (b) Utility sheds or storage sheds that are 144 square feet or more in floor or surface area shall comply with the minimum side yard and rear yard requirement of the zoning district to which the utility shed or storage shed is located.
 - (c) The overhang or edge of the roof shall not project into the required setback.
 - (d) Utility sheds or storage sheds shall not exceed sixteen (16) feet in height.
 - (2) Utility sheds and storage sheds for any permitted use located within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts shall comply with the following requirements:
 - (a) Utility sheds or storage sheds that are less than 144 square feet in floor or surface area may be erected in the side yard or rear yard, provided it is located at three (3) feet from the property line.
 - (b) Utility sheds or storage sheds exceeding one hundred-forty (144) square feet in floor area shall comply with the minimum side yard and rear yard requirement of the zoning district to which the utility shed or storage shed is located.
 - (c) The overhang or edge of the roof shall not project into the required setback.

- (d) Utility sheds or storage sheds shall not exceed twelve (12) feet in height.
 - (3) The utility shed shall only be permitted within the front yard of the lot if the Zoning Officer determines that the side yard and rear yard of the lot contains site development restrictions or environmentally sensitive lands including floodplains, wetlands, steep slopes (over 20 percent), stormwater management facilities, utilities and other similar factors that would prohibit a permitted location within the side yard or rear yard of the lot.
 - (4) A utility shed or storage shed shall be located at least five (5) feet from a right-of-way or easement that traverses through or along side of the lot.
 - (5) All utility sheds or storage sheds shall be located, designed, constructed and installed in accordance with the manufacture's specifications or to industry standards, and the building codes of the municipality with jurisdiction.
- (E) Decks, Patios and Terraces: The following provisions shall apply to decks, patios and terraces:
- (1) A raised deck located on a lot occupied by a permitted single-family detached dwelling shall comply with the following provisions:
 - (a) The raised deck shall be located within the side yard or rear yard of the lot occupied by the single-family detached dwelling.
 - (b) Within the RC, R-1, R-2 and I-1 Zoning Districts, the raised deck shall comply with the building setback requirements of the zoning district on which they are located.
 - (c) Within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts, the raised deck shall be located at least three (3) feet from the side or rear property line.
 - (d) The raised deck may be covered provided that the enclosure complies with the building setback requirements and it is constructed in accordance with the building code requirements.
 - (2) A raised deck located on a lot occupied by a permitted single-family semi-detached dwelling or two-family detached dwelling shall comply with the following provisions:
 - (a) The raised deck shall be located within the side yard or rear yard of the lot occupied by the single-family semi-detached dwelling or the two-family detached dwelling.
 - (b) The raised deck may be located along the common lot line, provided that it does not project onto another property and that it complies with the remaining setback requirements.
 - (c) The raised deck shall not be covered with a permanent roof or as part of an enclosed structure.
 - (3) A raised deck located on a lot occupied by a townhouse shall comply with the following provisions:
 - (a) The raised deck shall be located within the rear yard of the townhouse unit.
 - (b) The raised deck shall be extended no more than twelve (12) feet from any rear wall of a townhouse unit. The raised deck may follow the contour of the existing structural wall or window of the townhouse unit.
 - (c) The raised deck may be located along the common lot line, provided that it does not project onto another property or area occupied by another townhouse unit.
 - (d) The raised deck shall not extend into the minimum space required between any townhouse building faces otherwise required by this Joint Zoning Ordinance.
 - (4) A raised deck may project into the front yard of a permitted residential use provided that the raised deck is utilized as a ramp for accessibility or to assist an occupant with disabilities. All other permitted projections into a required yard are specified under Section 725 of this Joint Zoning Ordinance.
 - (5) All raised decks shall be located, designed and constructed in accordance with the building codes adopted by the municipality with jurisdiction.

- (6) Patios and/or terraces shall be permitted within the side or rear yard of a residential use provided that such improvement does not create or direct additional stormwater onto a neighboring property.
 - (7) Deck, patios and terraces located on a lot occupied by a non-residential use shall comply with the area, bulk and setback requirements that are specified by the zoning district in which it is located.
 - (8) All decks, patios and terraces shall be located at least five (5) feet from a right-of-way or easement that traverses through or along side of the lot not be located within
- (F) Residential Gardens: The following provisions shall apply to residential gardens:
- (1) Residential gardens shall be permitted as an accessory residential or agricultural use within all underlying zoning districts.
 - (2) All residential gardens shall be exclusively utilized for home consumption and not sold as a commodity or product to the general public.
 - (3) Within the RC, R-1, R-2 and I-1 Zoning District, the residential garden may occupy the front yard, side yard or the rear yard (but no more that two of the three yards), and shall not occupy more than half of the minimum yard area of the zoning district on which the residential garden is located.
 - (4) Within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts, the residential garden may occupy the front yard, side yard or the rear yard (but no more that two of the three yards), and provided that:
 - (a) The residential garden shall not occupy more than half of the minimum yard area of the zoning district on which the residential garden is located.
 - (b) The residential garden shall not extend more than three (3) feet into the front yard, as measured from the foundation wall or drip edged of the roof line.
 - (c) A two (2) foot wide pervious or impervious walkway is established to provide accessibility from the front yard to the rear yard of the dwelling. If a pervious material is utilized, the walkway may be located along the side lot line. If an impervious material is utilized, the walkway shall be located at least two (2) feet from the side lot line and a filter strip shall be maintained to divert or capture stormwater, sediment, fertilizer or other material.
 - (5) The residential garden shall be located and maintained in a manner that does not create any adverse impacts associated with stormwater runoff, erosion and/or sedimentation onto a neighboring property.
 - (6) Residential gardens exceeding these provisions shall be considered as an agricultural operation, which shall be subject to the provisions of Section 604.1 of this Joint Zoning Ordinance.
- (G) Swimming Pools: Swimming pools shall comply with the provisions that are specified under Section 730.A of this Joint Zoning Ordinance.
- (H) Therapeutic Spas and Hot Tubs: Therapeutic spas or hot tubs shall comply with the provisions that are specified under Section 730.B of this Joint Zoning Ordinance.
- (I) Repair of Motor Vehicles: The routine maintenance, repair, and servicing of personal motor vehicles, owned or leased by the person performing such services unless performed inside a completely-enclosed building, is permitted by an occupant of the residence, but only in compliance with the following:
- (1) All such vehicles shall bear current license and registration unless inside a completely-enclosed building.
 - (2) All work shall be performed on the property of the vehicle owner or by a resident of that property working on a vehicle owned by the resident family.
 - (3) All by-products and waste fuels, lubricants, chemicals, and other products shall be disposed of properly.

- (4) No vehicle shall be stored in a “jacked-up” position or on blocks for more than seventy-two (72) continuous hours unless inside a completely enclosed building.
- (5) The provision and limitations specified for noise levels, as specified under Section 721 of this Joint Zoning Ordinance shall apply to the maintenance, repair and servicing of a personal motor vehicles.

(J) Miscellaneous Landscape Features:

- (1) All landscaping or fish ponds exceeding a depth of twenty-four (24) inches shall be entirely completely enclosed by a continuous, non-climbable, rigid fence or wall. The fence shall be constructed of brick, stone, wood, metal, synthetically engineered materials, or other building materials, all of which shall be used in a manner that meets the requirements of this Joint Zoning Ordinance, which shall be subject to the approval of the municipality with jurisdiction.
- (2) No trellis, pergola, swing set, paved area or other miscellaneous landscape features, excluding fences and driveways shall be allowed within two (2) feet of the property line.
- (3) Gazebos and pavilions shall comply with the building setback and lot coverage requirements for the zoning district on which the gazebo is located.
- (4) Chimneas and fire pits shall comply with the code requirements of the municipality with jurisdiction and shall be located at least five (5) feet from any property line.
- (5) Fences, walls and hedges shall comply with the provisions specified by Section 712 of this Joint Zoning Ordinance.
- (6) Unless otherwise specified by this Joint Zoning Ordinance, all other landscape features that are considered as a building or structure shall comply with the building setback, lot coverage and height requirements for the zoning district on which the landscape feature is located.

(K) Domestic Animal Shelters: The following requirements shall apply to domestic animal shelters or housing units:

- (1) Within the RC, R-1, R-2 and I-1 Zoning Districts, a domestic animal shelter or housing unit may be located at least ten (10) feet behind the front façade of the residential dwelling and at least ten (10) feet from the side or rear property line.
- (2) Within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts, a domestic animal shelter or housing unit may be located at least five (5) feet behind the front façade of the residential dwelling and at least five (5) feet from the side or rear property line.
- (3) If the side yard or rear yard of the lot are not compatible or appropriate for a domestic animal shelter or housing unit, the municipality with jurisdiction may permit the landowner to locate the domestic animal shelter or housing unit within the front yard provided that: it is a temporary structure; it will not create a disturbance to the neighboring landowners; and it does not alter the general character of the neighborhood.

(L) Non-Commercial Greenhouses: The following provisions shall apply to non-commercial greenhouses that exceed eighty (80) square feet in size:

- (1) Non-commercial greenhouses located on a lot occupied by a residential use shall comply with the building setback requirements of the zoning district to which the non-commercial greenhouse is located.
- (2) All non-commercial greenhouses shall not exceed not exceed five hundred (500) square feet per acre of land and shall not exceed five thousand (5,000) cumulative square feet in total gross covered floor area occupied by all of the non-commercial green houses located on the property.
- (3) Commercial greenhouses, as defined by this Joint Zoning Ordinance, shall comply with the provisions specified under Section 638 of this Joint Zoning Ordinance.

- (M) Agricultural Activities as an Accessory Use: Residential uses containing accessory agricultural activities or uses with less than five (5) acres shall comply with the following provisions.
- (1) The keeping of farm animals (other than poultry) on residential lots containing less than five (5) acres shall not exceed 0.1 animal units per acre or one hundred (100) pounds per acre of land area.
 - (2) The keeping of poultry as farm animals on residential lots containing less than five (5) acres shall not exceed 0.05 animal units per acre or fifty (50) pounds per acre of land area. Roosters shall not be kept or maintained for any purpose within the R-3, R-4 and R-5 Zoning Districts.
 - (3) All permitted accessory activities and uses shall be confined within the rear yard and shall be located a minimum of ten (10) feet from the property line.
 - (4) All permitted agricultural accessory activities and uses shall be securely contained or fenced.
 - (5) The raising of farm animals or livestock as an accessory use shall be for the use and/or consumption of the resident on which the agricultural accessory use is located.
 - (6) Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, agricultural activities as an accessory use shall not be permitted as part of a multi-family use.
- (N) Central Air Conditioning Units and Heat Pumps: The following provisions shall apply to the location of a central air conditioning system and/or heat pump:
- (1) Within the RC, R-1, R-2 and I-1, the central air conditioning system and/or heat pump shall be located within the side yard or rear yard of the permitted use.
 - (2) Within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts, the central air conditioning unit and/or heat pump shall be located within the side yard or rear yard without visual and/or sound screening measures
 - (3) Within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts, the central air conditioning unit and/or heat pump may be located within the front yard provided that visual and/or sound screening measures are applied, which are acceptable to the building code official with municipal jurisdiction..
- (O) Alternative Energy Facilities: Alternative energy facilities as a permitted accessory use or principal use shall comply with the provisions specified under Section 704 of this Joint Zoning Ordinance.
- (P) Satellite Communications Facilities: Satellite communication facilities for transmitting or receiving signals as a permitted accessory use or principal use shall comply with the provisions specified under Section 728 of this Joint Zoning Ordinance.
- (Q) Temporary Accessory Uses and Structures: The following provisions shall apply to temporary accessory uses and structures:
- (1) Temporary accessory uses may include, but not limited to: mobile kitchens; transient display and sale of seasonal items; potable on-demand storage containers (POD); clothing drop-off containers; contractor's storage area; carnivals and festivals; emergency management staging location; and other similar temporary accessory uses.
 - (2) The temporary accessory use shall be permitted as a use within the zoning district on which it is located or as an acceptable subordinate use to the principal use located on the lot.
 - (3) All temporary structures required to support a permitted temporary accessory shall comply with the setback requirements of the zoning district on which the temporary accessory use is located.
 - (4) All temporary structures and uses shall comply with the provisions specified under Section 731 of this Joint Zoning Ordinance.
- (R) Non-Residential Accessory Uses, Buildings and Structures: Unless otherwise specified by this Joint Zoning Ordinance, all non-residential accessory uses, buildings and structures shall comply with the area, bulk, setback and height requirements specified by the zoning district to which the non-residential use, building or structure is located.

Section 704: Alternative Energy Facilities

(A) Purpose and Objective:

- (1) Lower Alsace Township and/or Mount Penn Borough seeks to provide opportunities for alternative energy facilities as an accessory use while regulating the use of potentially intrusive facilities, equipment and machinery.
- (2) The purpose of Section 704 of this Joint Zoning Ordinance is to establish provisions for the design, permitting, construction and operation of alternative energy facilities as an accessory use within Lower Alsace Township and/or Mount Penn Borough, subject to reasonable conditions that will protect the public health, safety and/or general welfare of the community.

(B) Applicability and Permitted Uses: This section of the Joint Zoning Ordinance shall apply to all alternative energy facilities that are proposed to be constructed after the effective date of this Joint Zoning Ordinance. Alternative energy facilities that are designed and utilized as an accessory use shall be permitted as follows:

- (1) Alternative energy facilities designed and utilized as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines or wind energy facilities, shall be permitted as an accessory use by right within all Zoning Districts, subject to the applicable provisions specified under Section 704 of this Joint Zoning Ordinance.
- (2) Alternative energy facilities designed and utilized as an accessory use, which may include wood-fired boilers, shall be permitted as an accessory use by right within the RC and R-1 Zoning Districts, subject to the applicable provisions specified under Section 704 of this Joint Zoning Ordinance.
- (3) Alternative energy facilities constructed prior to the effective date of this Section of the Joint Zoning Ordinance shall not be required to meet the requirements specified under this Section of the Joint Zoning Ordinance. Any physical modification to an existing alternative energy facility that alters the size, type and generating capacities of the facilities (old and new) shall require a permit and shall comply with the applicable provisions specified under this Section of the Joint Zoning Ordinance.
- (4) Alternative energy facilities as an accessory use may be utilized as the primary energy source for the principal use on the lot on which it is located. Surplus energy may be exchanged, transferred and/or sold to a public utility company, provided that such surplus energy is exchanged, transferred and/or sold in accordance with the provisions established by the Public Utility Commission and Public Utility Code.

(C) Land Use and Dimensional Requirements:

- (1) **Geothermal Heat Pumps:** The following provisions shall specifically apply to geothermal heat pumps and appurtenant structures that are designed with a closed loop system:
 - (a) Geothermal heat pumps shall be permitted by right as an accessory use provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Joint Zoning Ordinance.
 - (b) All geothermal heat pumps shall be located, designed and installed as per the manufacturer's specifications or industry standards, as well as all zoning, building code and utility requirements.
 - (c) Geothermal Heat pumps that are designed as an attached alternative energy facility shall be permitted provided that all appurtenant structures and/or facilities associated with their operation do not exceed the permitted maximum building height requirements for accessory buildings, with no exceptions, of the zoning district on which it is located.
 - (d) All geothermal heat pumps and appurtenant structures and/or facilities associated with their operation shall be setback from all property lines a distance of not less than the normal setback requirements for accessory buildings/structures in that zoning district or at least fifteen (15) feet from all property lines and all street right of way lines, whichever is larger. The required setback distance shall be measured from the nearest edge of the geothermal heat pump and appurtenant

structures and/or facilities associated with their operation to the property line or right of way line. All geothermal heat pumps and/or any appurtenant structures and/or facilities associated with their operation, shall comply with the building and lot coverage requirements of the zoning district on which it is located.

- (e) No visible appurtenant structures and/or facilities associated with the operation of a geothermal heat pump shall be permitted in the front yard of the lot on which it is located and shall be fifteen (15) feet to the rear of the front face of the principal building.
 - (f) The use shall emit no noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat or any other perceptible or objectionable nuisances that would impact or affect neighboring properties, or be noticeable at or beyond the property line.
 - (g) Geothermal heat pumps designed with an open loop system shall be prohibited.
- (2) Solar Energy Systems: The following provisions shall specifically apply to solar energy systems and appurtenant structures and/or facilities associated with their operation :
- (a) Solar energy systems shall be permitted by right as an accessory use provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Joint Zoning Ordinance.
 - (b) All solar energy systems and/or any appurtenant structures and/or facilities associated with their operation, shall be located, designed and installed as per the manufacturer's specifications or to industry standards, as well as all zoning, building code and utility requirements.
 - (c) Solar energy systems and/or any appurtenant structures and/or facilities associated with their operation, that are designed as an attached alternative energy facility shall be permitted provided that all structural components of the solar energy system do not exceed the permitted maximum building height requirements, with no exceptions, of the zoning district on which it is located.
 - (d) Solar energy systems and/or any appurtenant structures and/or facilities associated with their operation, designed and permitted as a freestanding alternative energy facility shall not exceed fifteen (15) feet in height and shall be located a distance of not less than the normal setback requirements for accessory buildings/structures in that zoning district or at least fifteen (15) feet from a property line. All such solar energy systems and/or any appurtenant structures or facilities associated with their operation shall comply with the building and lot coverage requirements of the zoning district on which it is located. Lot coverage for solar energy systems, and/or any appurtenant structures and/or facilities associated with their operation, shall be calculated as total covered area including any movement, as viewed on plan view (aerial view). The required setback distance shall be measured from the closest part of the solar energy panel and/or any appurtenant structures and/or facilities associated with their operation, to all property lines.
 - (e) Solar energy systems and/or any appurtenant structures and/or facilities associated with their operation that are designed and permitted as a freestanding solar energy systems shall be setback not less than 1.1 times the solar energy systems, and/or any appurtenant structures and/or facilities associated with their operation, height. The required setback distance shall be measured from the nearest edge of the solar energy systems and/or any appurtenant structures or facilities associated with their operation to the nearest point of any/all occupied buildings.
 - (f) All solar energy systems and/or any appurtenant structures and/or facilities associated with their operation shall be setback from all property lines a distance of not less than the normal setback requirements for accessory buildings/structures in that zoning district or 1.1 times the solar energy systems height, whichever is greater. The required setback distance shall be measured from the nearest edge of the solar energy systems and/or any appurtenant structures or facilities associated with their operation to the property line.

- (g) No solar energy systems, and/or any appurtenant structures and/or facilities associated with their operation, shall be permitted in the front yard of the lot on which it is located and shall be fifteen (15) feet to the rear of the front face of the principal building, with the exception of roof mounted solar panels.
 - (h) All solar energy systems, and/or any appurtenant structures and/or facilities associated with their operation, shall be setback from all public roads a distance of not less than 1.1 times the solar energy systems height, as measured from the nearest edge of the solar energy systems to the right-of-way line of all public roads.
 - (i) Solar energy panels shall be designed and located in order to eliminate glare towards any occupied residential use adjacent properties and/or any street right of way.
 - (j) The use shall emit no noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat or any other perceptible or objectionable nuisances that would impact neighboring properties, or be noticeable at or beyond the property line.
- (3) Wind Turbines or Wind Energy Facilities: The following provisions shall specifically apply to wind turbines or wind energy facilities and/or appurtenant structures and/or facilities associated with their operation:
- (a) Wind turbines or wind energy facilities shall be permitted by right as an accessory use provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Joint Zoning Ordinance.
 - (b) All wind turbines or wind energy facilities and/or any appurtenant structures and/or facilities associated with their operation, shall be located, designed and installed as per the manufacturer's specifications or industry standards, as well as all zoning, building code and utility requirements.
 - (c) All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
 - (d) Wind turbines or wind energy facilities, and/or any appurtenant structures and/or facilities associated with their operation, that are designed as an attached alternative energy facility shall be permitted provided that all structural components of the wind turbines or wind energy facilities do not exceed the permitted maximum building height requirements of the zoning district on which wind turbine or wind energy facility is located.
 - (e) Wind turbines shall not be climbable up to fifteen (15) feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
 - (f) The minimum height of a wind turbine or wind energy facilities shall be fifteen (15) feet, as measured from the ground surface to the tip of the blade at its lowest turning movement.
 - (g) The maximum height of a wind turbine or wind energy facilities, and/or any appurtenant structures facilities associated with their operation, shall be fifty (50) feet, as measured from the ground surface to the tip of the blade at its highest turning movement. The maximum height may be extended to seventy-five (75) feet provided that the wind turbine or wind energy facility is located on a conforming lot within the RC, R-1 or R-2 Zoning District and that the applicant can demonstrate that adequate safeguards can be implemented in the event of a catastrophic event.
 - (h) Wind turbines or wind energy facilities, and/or any appurtenant structures and/or facilities associated with their operation, which are designed and permitted as a freestanding alternative energy facility shall be setback not less than 1.1 times the turbine height. The required setback distance shall be measured from the nearest edge of the wind turbine base or any appurtenant structures or facilities associated with their operation, to the nearest point of any occupied buildings.

- (i) All wind turbines or wind energy facilities and/or any appurtenant structures and/or facilities associated with their operation, shall be setback from all property lines a distance of not less than the normal setback requirements for accessory buildings and structures in that zoning district or 1.1 times the wind turbines or wind energy facilities, and/or any appurtenant structures and/or facilities associated with their operation, height, whichever is greater. The required setback distance shall be measured from the nearest edge of the wind turbines or wind energy facilities to the property line. All wind turbines or wind energy facilities and/or any appurtenant structures and/or facilities associated with their operation, shall comply with the building and lot coverage requirements of the zoning district on which it is located.
 - (j) No wind turbine or wind energy facilities, and/or any appurtenant structures and/or facilities associated with their operation, shall be permitted in the front yard of the lot on which it is located and shall be fifteen (15) feet to the rear of the front face of the principal building.
 - (k) All wind turbines or wind energy facilities, and/or any appurtenant structures and/or facilities associated with their operation, shall be setback from all public roads a distance of not less than 1.1 times the turbine height, as measured from the nearest edge of the wind turbine base or wind energy facilities and/or any appurtenant structures and/or facilities associated with their operation, to the right-of-way line of all public roads.
 - (l) The use shall emit no noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat or any other perceptible or objectionable nuisances that would impact neighboring properties, or be noticeable at or beyond the property line.
 - (m) All wind turbines or wind energy facilities shall have no shadow flicker at the property line.
- (4) Wood-Fired Boilers: The following provisions shall specifically apply to wood-fired boilers and appurtenant structures and/or facilities associated with their operation:
- (a) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation shall be permitted by right as an accessory use within the RC and R-1 Zoning District, provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Joint Zoning Ordinance.
 - (b) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation may be located on a lot provided that it is located, designed and installed considering the public health, safety and /or general welfare of the adjacent property owners and the community.
 - (c) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation shall be designed and located in order to minimize smoke and odor that is emitted and directed towards an occupied residential use.
 - (d) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation shall be permitted by right as an accessory use provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Joint Zoning Ordinance.
 - (e) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation shall be located on a conforming lot with a minimum lot area of two (2) net acres.
 - (f) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation shall be located, designed and installed as per the manufacturer's specifications or industry standards, as well as all zoning, building code and utility requirements.
 - (g) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation, designed as a freestanding alternative energy facility shall have a minimum height of ten (10) feet and maximum height of twenty (20) feet.
 - (h) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation shall comply with the building and lot coverage requirements of the zoning district on which it is located.

- (i) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation, shall be setback from all property lines a distance of not less than one hundred and fifty (150) feet from any property line and any street right-of-way line. The required setback distance shall be measured from the nearest edge of the wood-fired boiler and any appurtenant structures and/or facilities associated with their operation, to all property lines and street right-of-way lines.
- (j) No wood-fired boilers, and/or any appurtenant structures and/or facilities associated with their operation, shall be permitted in the front yard of the lot on which it is located and shall be fifteen (15) feet to the rear of the front face of the principal building.
- (k) Wood-fired boilers and appurtenant structures and/or facilities associated with their operation, shall be setback from all public roads a distance of not less than one hundred and fifty (150) feet to the street right-of-way lines.
- (l) Wood-fired boilers shall be installed, operated and maintained in accordance with all pertinent state and federal emissions requirements.
- (m) Wood-fired boilers shall only burn clean wood, wood pellets made from clean wood, home heating oils, natural gas, propane, or other approved substance that is specified by state and federal guidelines for wood-fired boilers.
- (n) The following materials shall be prohibited as a burning element or fuel for a wood-fired boiler: treated or painted wood; furniture; garbage; tires; lawn clipping or yard waste; plastic; rubber; petroleum waste; paints and paint thinners; chemicals; hazardous waste; coal; glossy colored paper; construction and demolition debris; plywood; particleboard; salt water driftwood; manure; animal carcasses; and/or asphalt products.
- (o) It shall be unlawful to burn materials that classified and/or categorized as biological waste, hazardous waste, infectious waste, pathological waste, municipal waste, residual waste, nuclear waste and/or untreated sewage waste, as defined by the Pennsylvania Department of Environmental Protection and the Pennsylvania Solid Waste Management Act.
- (p) No person shall cause, suffer or permit the burning of any material in a manor that:
 - (1) The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the wood-fired boiler and appurtenant structures and/or facilities associated with their operation are located;
 - (2) Malodorous air contaminants from the burning are detectable outside the property of the person in whose land the wood-fired boiler and appurtenant structures and/or facilities associated with their operation are located;
 - (3) The emissions interfere with the reasonable enjoyment of life or property;
 - (4) The emissions cause damage to vegetation or property; or
 - (5) The emissions are or may be deleterious to human or animal health.
- (q) The use shall emit no noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat or any other perceptible or objectionable nuisances that would impact neighboring properties, or be noticeable at or beyond the property line.

(D) Permit and Application Requirements

- (1) No alternative energy facility or renewable resource system shall be located, modified or constructed within Lower Alsace Township and/or Mount Penn Borough unless a permit has been issued to the landowner in accordance with the provisions of this Section of the Joint Zoning Ordinance.

- (2) The landowner shall provide documentation of the land and airspace on his property, which must remain open to assure adequate solar access, water and/or wind to the renewable energy system.
 - (a) The documentation shall include scaled drawings showing all buildings and structures on the applicant's property and adjacent properties. Dimensions that provide description of size and location of these structures and buildings shall also be shown.
 - (b) The documentation shall also include photographs to establish conditions at the time of the application.
- (3) A full description of proposed alternative energy facility or renewable resource system will be included in the documentation. It will fully describe the facility and/or system and all appurtenant structures and/or facilities associated with there operation.
- (4) A statement of the estimated output of the proposed alternative energy facility or renewable resource system and where the energy will be utilized.
- (5) A letter of agreement with a Private Energy and Utility Provider if the power or energy is to be conveyed off the applicant's property.
- (6) The applicant shall notify the Zoning Officer when the alternative or renewable resource system has been installed. The landowner shall also provide the Zoning Officer with any other permits that have been obtained from agencies with jurisdiction in order to locate the alternative or renewable energy resource system on his property.
- (7) All such documentation shall be considered as part of the permit application.

(E) Design and Installation Requirements

- (1) Above-ground alternative energy facilities shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white, gray or black. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (2) Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- (3) Above-ground alternative energy facilities shall not be combined with other support towers or accessory structural components that are devoted to or utilized by public or private utilities

(F) Decommissioning

- (1) The landowner or facility operator shall, at its expense, complete decommissioning of the alternative energy facility within (12) twelve months after the end of the useful life of the alternative system. The alternative energy system will presume to be at the end of its useful life if no energy is generated for a continuous period of twelve (12) months.
- (2) The removal of the above-ground alternative energy facility components shall be completed within twelve (12) months of decommissioning of the alternative energy system. All disturbed earth shall be restored, graded and re-seeded.
- (3) If the landowner or facility operator fails to complete decommissioning during the prescribed period of twelve (12) months, the Township may take such measures as necessary to complete decommissioning in accordance with this Joint Zoning Ordinance and the Commonwealth of Pennsylvania.

Section 705: Architectural Relief and Features:

- (A) The front facade of all buildings containing a permitted use(s) on a lot within the underlying zoning district of the Joint Zoning Ordinance shall meet the following requirements:
- (1) A building occupied by a permitted commercial use shall have a minimum four (4) foot offset or depth break within the front facade at least every one hundred (100) feet, which shall be extended for a minimum distance of twenty (20) feet.
 - (2) A building occupied by a permitted industrial use shall have a minimum four (4) foot offset or depth break within the front facade at least every two hundred (200) feet, which shall be extended for a minimum distance of twenty (20) feet.
 - (3) A building occupied by all other permitted non-residential uses shall have a minimum four (4) foot offset or depth break within the front facade at least every two hundred (200) feet, which shall be extended for a minimum distance of twenty (20) feet.
 - (4) A building occupied by permitted multi-family residential use shall have a minimum four (4) foot offset or depth break within the front facade at least every seventy-five (75) feet, which shall be extended for a minimum distance of seventy-five (75) feet.
 - (5) A building occupied by a permitted townhouse use containing four (4) or more attached dwelling units shall have a minimum four (4) foot offset or depth break within the front facade at least every two (2) dwelling units.
 - (6) Unless otherwise required to comply with building code specifications, the offset or depth break shall extend from the bottom of the first floor elevation to the roof line.
 - (7) A building occupied by an agricultural use shall be exempt from the requirements specified for architectural relief and features.
- (B) Compliance with architectural relief requirements specified under this section shall be demonstrated as part of a subdivision or land development application. In lieu of the architectural relief requirements, the landowner or applicant may utilize an architectural feature that shall be subject to the review and approval of the governing body with municipal jurisdiction. All applications shall be accompanied by an architectural rendering of the proposed building

Section 706: Blasting and Detonation Requirements

- (A) All general blasting and/or detonation operations shall conform with the regulations enforced by the applicable agencies of the Commonwealth of Pennsylvania and the federal government.
- (B) Blasting and/or detonation operations for any purposes shall comply with all local, state and federal laws.
- (C) The storage of explosives shall be in accordance with all pertinent local, state and federal laws.
- (D) Written notice of all blasting and/or detonation operations shall be given at least twenty-four (24) hours prior to the commencement of blasting and/or detonation to the Lower Alsace Township and/or Mount Penn Borough Zoning Officer and to the occupants of all properties within a radius of one thousand (1,000) feet of the location of the blasting and/or detonation. In addition, notice shall be given to the local fire department and police department.
- (E) All blasting and/or detonation operations shall be conducted by a qualified licensed contractor. A copy of the license and certificate of insurance shall be provided to Lower Alsace Township and/or Mount Penn Borough at least twenty-four (24) hours prior to the commencement of blasting.

Section 707: Clear Sight Triangles and Visibility at Street Intersections

- (A) Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except permitted street signs, traffic lights or signs, utility poles and mail boxes, which impedes vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed, planted or allowed to grow. Such clear sight triangles shall be established as follows:
- (1) For intersections involving an access drive for a non-residential use, the dimension of the clear sight triangle shall be established for a distance of seventy-five (75) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
 - (2) For intersections involving a local or minor street, the dimension of the clear sight triangle shall be established for a distance of one hundred (100) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
 - (3) For intersections involving a collector or arterial street, the dimension of the clear sight triangle shall be established for a distance of one hundred and fifty (150) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
- (B) The functional classifications of all existing streets within Lower Alsace Township and/or Mount Penn Borough are identified within Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough and/or by transportation plans that have been adopted by Lower Alsace Township and/or Mount Penn Borough.
- (C) No fence, wall, hedge and/or landscaping feature shall be erected or planted within or encroaching upon the street right-of-way.
- (D) All proposed streets, driveways and access drives shall be located, designed and constructed as to provide optimum sight distance and visibility at the intersection with the existing or proposed street.

Section 708: Common Open Space

- (A) The overall intent of these provisions is to supplement and not replace the provisions identified in those zoning districts where the designation of open space is explicitly applicable and further, to identify related use regulations and performance for land to be held for recreational use and/or for conservation, preservation or enhancement of natural and cultural resources. These provisions are designed to:
- (1) Provide an effective means for identifying, organizing and maintaining open space.
 - (2) Provide for necessary active and passive recreation areas to complement existing open space and recreational uses.
 - (3) Preserve the natural and environmental resources while maintaining ecological stability by: encouraging the preservation of floodplains; limiting the development of steep slopes; protecting the quality of existing watercourses, wetlands, ponds, lakes and other water bodies, including riparian buffers; encouraging the preservation of groundwater resources through the provision of open space areas for groundwater recharge; and avoiding the disruption of woodland and forest areas.
 - (4) Encourage the preservation of existing and potential agricultural land through the identification and use of open space lands, which are suited for agricultural production, particularly prime agricultural land.
 - (5) Preserve historic and cultural resources by: promoting the preservation of significant historical and cultural sites and structures as open space; protecting the character of historic and cultural sites by encouraging the designation of surrounding land as open space; and by implementing the Joint Comprehensive Plan.
- (B) All land and water areas designated as common open space within Lower Alsace Township and/or Mount Penn Borough shall comply with the following provisions:

- (1) All developments requiring common open space shall comply with the appropriate provisions established under Article 6 of this Joint Zoning Ordinance.
- (2) Where residential or non-residential developments do not specifically require common open space, as defined under Article 6 of this Joint Zoning Ordinance, the residential or non-residential development shall be subject to the provisions established under this section of the Joint Zoning Ordinance, as well as those other applicable provisions established by Lower Alsace Township and/or Mount Penn Borough.
- (3) All areas designated as common open space shall be subject to the review and approval of Lower Alsace Township and/or Mount Penn Borough.

(C) The following uses shall be permitted within areas designated as common open space:

- (1) Agricultural uses, subject to the provisions of Section 604 of this Joint Zoning Ordinance.
- (2) Conservation uses or areas to preserve woodland and forest areas, lakes, ponds, streams, floodplains, wetlands, seasonal pools and other related landscape features, subject to the provisions of Section 612 of this Joint Zoning Ordinance..
- (3) Recreation uses, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
- (4) Municipal uses, subject to the provisions of Section 636 of this Joint Zoning Ordinance.
- (5) Culturally and/or historically significant uses, subject to the provisions of Section 504 of this Joint Zoning Ordinance.

(D) The following provisions shall apply to the ownership and maintenance of the areas designated as common open space:

- (1) For all common open spaces, satisfactory written agreements approved by the governing body with municipal jurisdiction shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the Berks County Recorder of Deeds.
- (2) The applicant or developer shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant or developer shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development.
 - (b) Dedicate the land encompassing the common open space to Lower Alsace Township and/or Mount Penn Borough, who shall have the option to accept or refuse the land offered for dedication.
 - (c) Dedicate the land encompassing the common open space to a conservation organization, as determined appropriate by the governing body with municipal jurisdiction.
 - (d) Retain the ownership, management and maintenance responsibilities.
- (3) The selected options for the ownership, management and maintenance of the land and water areas, which are designated as common open space, shall be subject to the review by the Lower Alsace Township and/or Mount Penn Borough Solicitor and subject to the approval of the governing body with municipal jurisdiction.

(E) The requirements for common open space, as specified under this Joint Zoning Ordinance, does not relieve any person, applicant or developer from the mandatory requirements for dedication of open space for recreation purposes or recreation impact fees in lieu of land dedication or any combination thereof, as permitted under the provisions of the Pennsylvania Municipalities Planning Code and as adopted by the municipality with jurisdiction.

Section 709: Corner Lot Restrictions and Requirements

- (A) For all corner lots, as defined under Article 2 of this Joint Zoning Ordinance, the minimum lot width and front yard setback requirements of the zoning district to which the corner lot is located shall be applied to each street on which the corner lot has frontage.
- (B) In cases in which a pre-existing lot of record is changed or converted into a corner lot, as the result of an adjacent subdivision or land development, the front yard of the pre-existing lot shall be established along the public street to which it originally had frontage as well as along the proposed or new road to which it will have frontage. All other setback requirements shall conform with the appropriate side and rear yard setback requirements for the zoning district to which the pre-existing lot is located.
- (C) All corner lots shall comply with the provisions established for visibility at street intersections, as provided under Section 707 of this Joint Zoning Ordinance.

Section 710: Domestic Pets and Farm Animals

- (A) No more than five (5) adult domestic animals, domestic pets or non-farm animals shall be kept and/or maintained as an accessory use to a primary residential use.
- (B) Any animal which is defined as an exotic animal or requires the issuance of a permit by the Pennsylvania Game Commission shall not be considered a domestic animal or pet.
- (C) The following requirements shall apply to domestic animal shelters or housing units:
 - (1) Within the RC, R-1, R-2 and I-1 Zoning Districts, a domestic animal shelter or housing unit may be located at least ten (10) feet behind the front façade of the residential dwelling and at least ten (10) feet from the side or rear property line.
 - (2) Within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts, a domestic animal shelter or housing unit may be located at least five (5) feet behind the front façade of the residential dwelling and at least five (5) feet from the side or rear property line.
 - (3) If the side yard or rear yard of the lot are not compatible or appropriate for a domestic animal shelter or housing unit, the municipality with jurisdiction may permit the landowner to locate the domestic animal shelter or housing unit within the front yard provided that: it is a temporary structure; it will not create a disturbance to the neighboring landowners; and it does not alter the general character of the neighborhood.
- (D) Residential uses containing accessory agricultural activities or uses with less than five (5) acres shall comply with the following provisions.
 - (1) The keeping of farm animals (other than poultry) on residential lots containing less than five (5) acres shall not exceed 0.1 animal units per acre or one hundred (100) pounds per acre of land area.
 - (2) The keeping of poultry as farm animals on residential lots containing less than five (5) acres shall not exceed 0.05 animal units per acre or fifty (50) pounds per acre of land area. Roosters shall not be kept or maintained for any purpose within the R-3, R-4 and R-5 Zoning Districts.
 - (3) All permitted accessory activities and uses shall be confined within the rear yard and shall be located a minimum of ten (10) feet from the property line.
 - (4) All permitted agricultural accessory activities and uses shall be securely contained or fenced.
 - (5) The raising of farm animals or livestock as an accessory use shall be for the use and/or consumption of the resident on which the agricultural accessory use is located.
 - (6) Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, agricultural activities as an accessory use shall not be permitted as part of a multi-family use.

- (E) No person shall keep or maintain a wild or exotic animal.
- (F) No person shall sell, offer for sale or adoption, exchange or transfer, with or without charge, any wild or exotic animal.

Section 711: Excavating, Filing and Grading

- (A) All construction and site improvement activities, which require the moving of earth or the filling or excavating of an area exceeding 5,000 square feet shall submit a plan to Lower Alsace Township and/or Mount Penn Borough showing site grading and erosion control measures in accordance with the Lower Alsace Township and/or Mount Penn Borough and the Berks County Conservation District.
- (B) The existing grade of an area shall not be increased so that unstable slopes are created.
- (C) The surface area of any yard adjacent to a building or structure shall be graded so that the surface water will be drained away from such structure as per code requirements.
- (D) Topsoil shall not be stripped from any site within Lower Alsace Township and/or Mount Penn Borough unless it is directly affiliated with the subdivision and/or development of land. Unless permitted by the governing body with municipal jurisdiction, topsoil shall not be removed from any site.
- (E) The on-site burial of trees, stumps or construction materials is prohibited within the R-3, R-4, C-1 and I-1 Zoning Districts. Trees and stumps may be chipped or reduced in size to be removed from the site.

Section 712: Fences, Walls and Hedges

- (A) Fences, walls and/or hedges may be permitted within and along the periphery of any required yard provided:
 - (1) Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, no fence, wall and/or hedge shall be erected or planted within or encroaching upon the street right-of-way, floodway, utility easement or drainage easement.
 - (2) No fence, wall and/or hedge shall be erected in any manner that obstructs a clear line of sight or vision from a driveway or street intersection. Visibility along the street shall not be reduced to a level less than the visibility prior to the installation of the fence, wall or hedge.
 - (3) Fences and walls are permitted within a required yard area, provided that the fence or wall is located, constructed and maintained in accordance with all pertinent requirements specified by this Joint Zoning Ordinance.
 - (4) Fences and walls located within the front yard shall not exceed a height of four (4) feet for a split rail fence and three (3) feet for all other fence types. Where necessary, a retaining wall may be erected within the front yard provided that it does not exceed eight (8) feet in height.
 - (5) No chain link or solid fence shall be permitted within the front yard.
 - (6) Unless otherwise specified or permitted by this Joint Zoning Ordinance, fences and walls located within the side yard or rear yard of a permitted residential use within the RC, R-1 and R-2 Zoning Districts shall not exceed six (6) feet in height.
 - (7) Unless otherwise specified or permitted by this Joint Zoning Ordinance, fences and walls located within the side yard or rear yard of a permitted use within the R-3, R-4 and R-5 Zoning Districts shall not exceed six (6) feet in height.
 - (8) Unless otherwise specified or permitted by this Joint Zoning Ordinance, fences and walls located within the side yard or rear yard of a permitted non-residential use within the C-1, C-2 and I-1 Zoning Districts shall not exceed a height of eight (8) feet.
 - (9) No electrified fence or barbed wire fence shall be permitted for any residential use.

- (10) All permitted fences and walls shall be constructed out of durable building materials and shall be installed and erected in accordance with the specifications of the manufacturer.
 - (11) Any fence or wall, which in the judgment of the Zoning Officer is unsafe, dangerous, or a threat to the public health, safety and/or welfare shall be removed, repaired or replaced as determined necessary by the Zoning Officer at the expense of the property owner.
- (B) Prior to the installation of any fence, wall or hedge row, the landowner should verify the limits of the property lines that may be in question. In situations where the property line is in doubt, the Zoning Officer may require the property owner to have a professional land surveyor determine and mark the property line in question.

Section 713: Flag Lots or Key Hole Lots

- (A) Flag lots or key hole lots are permitted as single family detached lots within the RC, R-1 and R-2 Zoning Districts, subject to the following provisions:
- (1) Flag lots shall only be permitted within residential developments containing ten (10) or fewer lots, which are designed to accommodate single family detached dwelling units.
 - (2) No more than one (1) flag lot shall be permitted as a result of the subdivision and/or cumulative phases of the development. In all cases, the applicant must demonstrate that the following site conditions exist:
 - (a) The tract of land cannot be subdivided in a manner to comply with the minimum lot width and area requirements for the zoning district in which the flag lot is located.
 - (b) The tract of land represents the total contiguous land area owned by the applicant.
 - (c) The tract of land cannot be further subdivided in the future by normal or typical design.
 - (d) The tract of land cannot be properly subdivided due to the presence of certain physical or environmental development constraints associated with the site.
 - (e) The configuration of the proposed lots will not limit the potential for development on adjacent tracts of land in the future.
- (B) If the applicant demonstrates that the site conditions are amenable to the development of a flag lot, the subdivision shall be designed considering the following requirements:
- (1) The access strip or stem of the flag lot shall be designed in accordance with the following requirements:
 - (a) The access strip or stem of the flag lot shall be owned fee simple and extended from an existing public street to the rear property line of the flag lot.
 - (b) The width of the access strip or stem shall be a minimum of thirty (30) feet. Additional width may be required by the municipality with jurisdiction in order to overcome problems associated with slope, drainage and/or sedimentation.
 - (c) The unimproved portion of the access strip or stem shall be properly graded and stabilized. Where appropriate, an erosion and sedimentation control plan shall be developed and implemented by the landowner.
 - (d) The thirty (30) foot wide access strip or stem shall be utilized as a future right-of-way to permit the construction of a public or private street. If additional lots are created and/or if additional lots utilize the access strip or stem for ingress and egress purposes, the thirty (30) foot wide access strip shall be improved to comply with the design standards and specifications for a public street.
 - (2) The net lot area for each flag lot shall meet or exceed the minimum lot area for the zoning district to which the flag lot is located. The area of the access strip or stem shall not be included as part of the net lot area for the flag lot.

- (3) The building setback line for the flag lot shall meet the minimum required setback dimensions for the zoning district in which the flag lot is located. The setback lines shall be established at the flag portion of the lot. The front yard depth or setback shall be measured from the access strip or stem (extended through the lot) and from the rear property line. All other setback requirements shall comply with the rear yard setbacks.
 - (4) The driveway serving the flag lot shall comply with all pertinent standards and specifications for driveways, as specified by Lower Alsace Township, Mount Penn Borough and by the Pennsylvania Department of Transportation. Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, common driveways shall be prohibited as part of a flag lot design.
- (C) If the tract of land contains any residue or undeveloped land area, the applicant shall submit a sketch plan or a preliminary plan depicting how the remaining area will be developed or perpetually preserved as open space.

Section 714 Front Yard and Lot Width Exceptions

- (A) When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of the Ordinance and the improvements are located within one hundred (100) feet of the unimproved lot. An unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.
- (B) Unless otherwise specified by this Joint Zoning Ordinance, all residential and non-residential lots shall comply with the appropriate minimum lot width requirement for that use in the zoning district to which it is located, as measured at the street line, legal right-of-way line, ultimate right-of-way line (where it exists) and the building setback line. The following lot width exceptions shall be permitted:
- (1) Where single-family residential lots are created along the bulb of a cul-de-sac street, the minimum lot width may be reduced by fifty (50) percent of the required lot width at the street line, provided that the minimum lot width requirement is established at the building setback line, as measured from the street right-of-way line to a point equivalent to the front yard setback requirement, which is specified by the appropriate zoning district in which the single family detached dwelling is located.
 - (2) No more than four (4) single-family lots shall be located along the bulb of a cul-de-sac street.
 - (3) Where single-family residential lots are created along a street curve with a horizontal radius exceeding one hundred-fifty (150) feet, as measured along the street centerline, the minimum lot width may be reduced by twenty-five (25) percent of the required lot width, provided that the minimum lot width requirement is established at the building setback line, as measured from the street right-of-way line to a point equivalent to the front yard setback requirement, which is specified by the appropriate zoning district in which the single family detached dwelling is located. The side lot lines should be established at ninety (90) degree angles to the street line tangents or radial to the street line curves.
- (C) The Zoning Officer shall review and authorize all front yard and lot width exceptions in accordance with the provisions established under this section of the Joint Zoning Ordinance. All such permitted exemptions shall be noted on the zoning permit, subdivision plan and/or land development plan.

Section 715: Garage Sales and Yard Sales

- (A) Within any zoning district, the landowner or occupant of a lot may conduct up to three (3) garage or yard sales per calendar year subject to the following standards:
- (1) No garage/yard sale shall be conducted for a period longer than three (3) consecutive days. The total of such sales may not exceed nine (9) cumulative days per calendar year.
 - (2) Garage sales may offer personal possessions for sale. No importing of materials or stocking of inventory shall be permitted.
 - (3) No more than five (5) temporary signs shall be permitted to advertise the garage/yard sale, which shall be removed within six (6) hours of the completion of the sale. All such signs shall not exceed four (4) square feet in area and shall be removed within twenty-four (24) hours after the garage/yard sale has concluded.

- (4) In no case shall any aspect of the garage/yard sale be conducted within the street right-of-way.
- (5) If required by the municipality with jurisdiction, a permit shall be required for each garage sale or yard sale occurrence.
- (B) Garage or yard sales exceeding the provisions or parameters of Section 715 of the Joint Zoning Ordinance shall be considered a commercial business, which shall comply with the provisions of this Joint Zoning Ordinance.

Section 716: Hazardous Conditions and Areas

- (A) Within Lower Alsace Township and/or Mount Penn Borough, certain land and/or water areas may be considered hazardous in terms of their condition or potential use. These hazardous areas may include: mine holes; quarries; sinkholes; waterways; caves; areas of naturally occurring physical features; areas of naturally occurring minerals or chemicals; areas containing hazardous, contaminated or toxic waste; solid waste disposal facilities; wastewater treatment facilities; and/or other areas considered hazardous by the Lower Alsace Township and/or Mount Penn Borough Zoning Officer or other professional consultants appointed by Lower Alsace Township and/or Mount Penn Borough. Based upon their presence, these hazardous areas could endanger the public health, safety or welfare by presenting potential hazards to life, health or property.
- (B) Where hazardous areas have been identified by the appropriate local, county, state or federal agency, the following provisions shall apply:
 - (1) No occupied building, well or sewage disposal system shall be located within five hundred (500) feet of an identified hazardous area, except as noted within this section of the Joint Zoning Ordinance.
 - (2) An occupied building, well or sewage disposal system may be located within five hundred (500) feet of an identified hazardous area, provided that a sufficient number of excavations, borings, soil probes and/or groundwater tests have been conducted within the area to determine that the soil, geology and/or groundwater conditions are not considered hazardous to the occupant(s). The accuracy of all test results and/or conclusions shall be certified by a qualified professional, as determined to have the appropriate qualification and credentials by Lower Alsace Township and/or Mount Penn Borough. All wells located within five hundred (500) feet of the hazardous area shall be re-tested every two (2) years by a certified laboratory to determine if the water is potable. All costs incurred for the sampling and laboratory analysis shall be incurred by the landowner.
- (C) The hazardous areas shall continue to be considered as a hazardous area until the governing body with municipal jurisdiction determine that the hazards have been sufficiently mitigated or adequate safeguards against such hazards have been provided, as recommended, approved or permitted by the local, county, state or federal agencies.

Section 717: Height Limit Exceptions

- (A) The height regulations specified within each zoning district shall not apply to the following structures or projections, provided that such structures or projections are setback a horizontal distance at least equal to their height:
 - (1) Water towers, antennas, utility poles, smokestacks, chimneys, flagpoles, and similar structures.
 - (2) Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.
 - (3) Parapet walls or cornices if not in excess of five (5) feet above the roof line.
- (B) In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, institutional, commercial, or industrial purposes.
- (C) Provisions relating to the maximum height limits of alternative energy facilities are further specified under Section 704 of this Joint Zoning Ordinance.
- (D) Provisions relating to the maximum height limits of telecommunication and wireless communications facilities are further specified under Section 655 of this Joint Zoning Ordinance.

Section 718: Landscaping

- (A) Where zoning district or development regulations require landscaping, street trees, replacement trees, buffer yards, screening and/or planting strips, the applicant shall prepare and submit a landscaping plan in accordance with the provisions specified by this Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.
- (B) The plant materials utilized for a landscaping plan shall be selected from the approved list, as contained within the Subdivision and Land Development Ordinance.
- (C) The use of existing healthy mature trees (12 inches or more in diameter at breast height) or alternative design methods (fencing, berms and infill planting) may be utilized as part of the required landscaping, buffer yard and/or planting screen, which shall be subject to the review and approval by the municipality with jurisdiction as part of the landscaping plan for a subdivision and land development plan application.

Section 719: Lighting

- (A) Purposes. The lighting standards and specification contained under Section 719 of this Joint Zoning Ordinance have been enacted for the following purposes:
 - (1) To establish requirements for outdoor lighting installations which promote public safety and welfare during the nighttime while minimizing the adverse effects of glare and light trespass often associated with outdoor lighting.
 - (2) To protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting installations located on adjacent properties and roadways.
 - (3) To prohibit outdoor lighting installations which are of excessive intensity and/or are deficient of photometric control such that the resulting glare and light trespass create a nuisance to pedestrians, cyclists, or motorists on neighboring properties and roadways.
 - (4) To promote outdoor lighting installations which serve to enhance the nighttime safety and enjoyment of pedestrians, cyclists, and motorists throughout the community.
 - (5) To set forth outdoor lighting requirements which are consistent with lighting industry standards and practices, available technologies, and the lighting sciences.
- (B) Applicability. The requirements of Section 719 of this Joint Zoning Ordinance shall apply to all outdoor lighting installations and as it relates to light trespass, interior lighting sources, as follows:
 - (1) Outdoor lighting installations which are newly designed, constructed, erected, or otherwise placed into operation after the effective date of this Joint Zoning Ordinance.
 - (2) Alterations, rehabilitations, or renovations to existing outdoor lighting installations, which are commenced after the effective date of this Joint Zoning Ordinance, and which involve the complete replacement of an existing lighting system with a new lighting system.
 - (3) Whenever a new outdoor light fixture replaces an outdoor light fixture that existed on the effective date of this Joint Zoning Ordinance, the new fixture shall comply with requirements of this Joint Zoning Ordinance.
- (C) Non-Applicability: The requirements of Section 719 of this Joint Zoning Ordinance shall not apply to, nor be retroactive to, existing outdoor lighting installations which began operation before the effective date of this Joint Zoning Ordinance. Routine maintenance activities of existing outdoor lighting installations shall include:
 - (1) Replacement of lamps that are burned-out or inoperative.
 - (2) Replacement and repair of damaged or inoperative luminaire components such as ballasts, ignitors, lenses, reflectors, refractors, sockets, or photocell controls.
 - (3) Replacement and repair of structural support components for outdoor lighting installations.

- (D) Adoptions by Reference: The following documents are hereby adopted as reference manuals:
- (1) Adoption of the IESNA Lighting Handbook. This publication, as published by the Illuminating Engineering Society of North America (IESNA) is hereby adopted by reference and made a part of Section 719 of this Joint Zoning Ordinance as “Lighting Handbook”.
 - (2) Adoption of the ANSI and IESNA Lighting Definitions. The publication, as published by the Illuminating Engineering Society of North America (IESNA) and approved by the American National Standards Institute, Inc. (ANSI) is hereby adopted by reference and made a part of Section 719 of this Joint Zoning Ordinance as “ANSI and IESNA Lighting Definitions”.
- (E) Design Calculations in Accordance with the IESNA Lighting Handbook: In addition to the specific requirements established within Section 719 of this Joint Zoning Ordinance, the design calculations for outdoor lighting installations shall be in accordance with the IESNA Lighting Handbook. This includes, but is not limited to, technical definitions, terminology, calculation methods and procedures, photometric classifications, and photometric testing procedures. Illuminance selection should be based on the usage of the area to be illuminated, the level of activity, and nighttime security requirements
- (F) Performance Standards: The following performance standards shall apply:
- (1) Agricultural and Residential Zoning District Standards: Within the RC, R-1, R-2, R-3, R-4 and R-5 Zoning Districts, all lighting shall be arranged so as to deflect light away from any adjoining residential use or from the public street. The light source shall be downcast, hooded, shielded or controlled so as not to illuminate an adjacent property in excess of the maximum intensity as listed in Section 719.F.4 of this Joint Zoning Ordinance. Bare light bulbs shall not be permitted in view of adjacent property or public rights-of-way except that residential post lights and decorative lights with exposed non-directional light bulbs with a total output of the equivalent of sixty (60) incandescent watts (750 lumens) or less, per fixture shall be permitted.
 - (2) Non-Residential Zoning District Standards: Within the C-1, C-2 and I-1 Zoning Districts all lighting used shall be arranged so as to deflect light away from any adjoining property and/or street so as not exceed the maximum permitted intensity as listed in Section 719.F.4 of this Joint Zoning Ordinance.
 - (3) Use of Cutoff Luminaires: Except as noted below in Sections 719.F.3.a and 719.F.3.d of this Joint Zoning Ordinance, all luminaires employed in outdoor area and roadway lighting installations shall be the cutoff luminaire type.
 - (a) The candlepower distribution classification of the luminaire as a cutoff type shall be in accordance with the ANSI/IESNA Lighting Definitions and the IESNA Lighting Handbook. The manufacturer of the luminaire shall provide certification of the cutoff classification based on photometric testing performed in accordance with the IESNA Lighting Handbook and the applicable testing procedures referenced therein. The requirement for the use of cutoff luminaire types shall include, but is not limited to, the following outdoor area and roadway lighting configurations: pole-mounted luminaires; luminaires mounted on the exterior of buildings and structures; luminaires mounted on or within exterior canopies of buildings and structures; and pedestal-or bollard-mounted luminaires.
 - (b) Cutoff luminaires shall be mounted plumb and level in accordance with the intended application of their design. For the purposes of this requirement, the center of the downward angle of the luminaire (zero degree vertical angle of the candlepower distribution) shall be oriented plumb and the vertical angle of ninety (90) degrees to the horizon that shall be oriented level. Cutoff luminaires shall not be installed in a canted or tilted position which permits candlepower distribution above the horizontal.
 - (c) Whenever possible lighting fixtures within non-residential zoning districts shall be mounted upon poles as opposed to mounted on building facades.
 - (d) Luminaires which do not meet the strict definition for cutoff luminaires, yet employ advanced or alternative technology which causes the photometric performance to approach that of cutoff luminaires, may be approved by Lower Alsace Township and/or Mount Penn Borough, or a duly appointed representative, on a case-by-case basis. Such luminaires include, but are not limited to, period-style luminaires with refractive globes and internal cutoff reflectors.

- (e) Luminaires with a total initial lumen output of 10,000 lumens or less shall be permitted for decorative, accent, or supplementary lighting applications provided that glare shields are incorporated which cut off the candlepower distribution at and above the horizontal (level).
- (4) **Illumination Levels:** Where outdoor lighting is required by this Joint Zoning Ordinance or installed on any property within Lower Alsace Township and/or Mount Penn Borough, the outdoor lighting shall be provided within the range of permitted lighting levels as specified within the table (Required Lighting Levels) contained under this section of the Joint Zoning Ordinance. In those instances where there is no specified lighting level in the following table, the applicant shall comply with the most applicable standard listed in the IESNA Lighting Handbook.

Required Lighting Levels			
Use and Activity	Measurement in Footcandles		
	Minimum	Average	Maximum
Local Street	0.2	0.4	2.4
Collector and arterial streets	0.2	0.9	5.4
Residential off-street parking lots (under 50 spaces)	0.2	0.8	1.6
Residential off-street parking lots (over 50 spaces)	0.6	2.4	4.8
Non-residential off-street parking lots (under 50 spaces)	0.2	0.8	1.6
Non-residential off-street parking lots (50-100 spaces)	0.6	2.4	4.8
Non-residential off-street parking lots (over 100 spaces)	0.9	3.6	7.2
Off-street loading areas	2.0	10	20.0
Walkways and bikeways without stairways or tunnels	0.2	0.5	0.9
Walkway and bikeway stairways or tunnels	20.0	NA	50.0
Building entrances and signs	1.0	4.0	5.0
Building facades, monuments, fountains & similar features	0.0	NA	15.0
Playgrounds, parks and athletic courts/fields for non-competitive activities where on-site lighting is required.*	5.0	NA	30.0
Parks and athletic courts/fields for competitive activities where on-site lighting is required.*	As recommended by the IESNA.		
* Park and recreation lighting shall also be subject to the requirements of Section 719.F.13.of this Joint Zoning Ordinance.			

- (5) **Maximum Permitted Light Intensity Trespass.** No light source or combination thereof, either indoor or outdoor shall:
- (a) Cast light on a public street shall exceed a meter reading of one (1.0) footcandle as measured from the centerline of said street;
 - (b) Cast light on adjacent residential property shall exceed four tenths (0.4) footcandle as measured at the property line; and,
 - (c) Cast light on adjacent non-residential property shall exceed one (1.0) footcandle on an adjacent non-residential property.

- (6) Method of Measuring Light Intensity: The footcandle level of a light source shall be taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.
- (7) Height: The maximum height above the ground grade permitted for light sources mounted on a pole shall be twenty-five (25) feet. A light source mounted on a building shall not exceed the height of the face of the building to which it is attached and no light sources shall be located on the roof unless said light enhances the architectural features of the building.
- (8) Location. The light source of an outdoor light fixture shall be setback a minimum horizontal distance equal to its height from each property line but in no case less than ten (10) feet from a street right of way and five (5) feet from all side or rear lot lines.
- (9) Hours of Operation: Outdoor lighting which serves non-residential uses that do not have standard operating hours after dark must be turned off one-half (1/2) hour after closing except for approved security lighting in accordance with the following Section 719.F.10 of this Joint Zoning Ordinance. For those non-residential uses that offer services or conduct business after dark, outdoor lighting may be utilized during the nighttime hours provided the non-residential use is open for service. Once the non-residential use closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.
- (10) Security Lighting: In all Zoning Districts, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed one (1) footcandle. Security lighting for buildings or structures shall be directed toward the face of the building or structure, rather than the area around it, and shall not exceed five (5) footcandles or twenty-five (25) percent of the number of fixtures or illuminance permitted during regular business hours, whichever is the lesser illuminance.
- (11) Illumination Under Outdoor Canopies: Under-canopy lighting shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The illumination in the area directly below the canopy shall not exceed a maximum of thirty (30) footcandles. Outdoor canopies include, but are not limited to, the following applications:
- (a) Fuel dispensing island canopies associated with automobile service stations, convenience stores, and grocery stores.
 - (b) Exterior canopies above storefronts in shopping centers.
 - (c) Exterior canopies above driveways and building entrances.
 - (d) Pavilions and gazebos.
 - (e) Exterior canopies above drive-through service lanes.
- (12) Signs and Billboards. All signs and billboards shall be located, designed and installed in accordance with the provisions specified under Sections 719 and 905 of this Joint Zoning Ordinance. The lighting of new, or lighting or relighting of existing, billboards and signs shall be subject to the following requirements:
- (a) Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto the billboard or sign and not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during night time.
 - (b) The light source for internally illuminated signs and billboards shall not exceed. 1,000 initial lumens per square foot of sign face.

- (c) The illumination of billboards shall be limited to commercial and industrial zoning districts and the illumination of billboards within four hundred (400) feet of a residential use or district shall not be permitted.
 - (d) The illumination on the face of an externally illuminated billboard or sign shall not exceed thirty (30) footcandles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.
 - (e) Rotating, traveling, pulsing, flashing, animated, marching or oscillating light sources, lasers, beacons, searchlights, or strobe lighting shall not be permitted.
 - (f) The use of reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
 - (g) Applications for the lighting or relighting of signs and billboards shall be accompanied by a point-by-point plot of illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting.
 - (h) Billboards and signs, whether on or off-premise, shall be equipped with a programmable controller that automatically extinguishes the lighting by no later than 11:00 PM and remains off until dawn except that on-premise signs for uses that operate later than 11:00 PM shall automatically extinguish the sign lighting at the close of business.
- (13) Outdoor Recreation. No lighting of recreation facilities shall be permitted brighter than that necessary for security purposes except during recreation events. The nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when Lower Alsace Township and/or Mount Penn Borough is satisfied that the health, safety and welfare rights of nearby property owners and Lower Alsace Township and/or Mount Penn Borough as a whole have been properly protected. The following requirements shall apply to the lighting of outdoor recreation facilities:
- (a) Lighting shall be accomplished only through the use of fixtures conforming to IESNA full-cutoff criteria, or as otherwise approved by Lower Alsace Township and/or Mount Penn Borough based on suitable control of glare and light trespass.
 - (b) No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM.
 - (c) The mounting heights for outdoor recreational lighting shall comply with the following maximum requirements:
 - (1) Basketball courts shall not exceed twenty (20) feet.
 - (2) Football fields shall not exceed seventy (70) feet.
 - (3) Soccer fields shall not exceed seventy (70) feet.
 - (4) Baseball fields with a two (200) foot radius shall not exceed sixty (60) feet.
 - (5) Baseball fields with a three (300) foot radius shall not exceed seventy (70) feet.
 - (6) Miniature golf courses shall not exceed twenty (20) feet.
 - (7) Swimming pools shall not exceed twenty (20) feet.
 - (8) Tennis courts shall not exceed twenty (20) feet.
 - (9) Volleyball courts shall not exceed twenty (20) feet.
 - (10) Track and field facilities shall not exceed twenty (20) feet.
 - (11) All other park and recreation activities shall not exceed twenty (20) feet.

- (d) All non-recreation uses located upon properties devoted to recreation use shall comply with the applicable requirements of Section 719.F.4 of this Joint Zoning Ordinance.
 - (e) To assist Lower Alsace Township and/or Mount Penn Borough in determining whether lighting will be permitted, in addition to the normal lighting plan submission requirements listed in Section 719.G. of this Joint Zoning Ordinance, applications for illuminating recreational facilities shall also contain the following:
 - (f) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties within two hundred (200) feet of the subject property.
 - (g) Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
 - (h) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of five (5) feet line-of-sight.
 - (i) Elevation drawings containing illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. In the case where an adjoining property is undeveloped, elevation drawings containing illuminance plots on the facades plotted at the minimum required applicable setback line of all potential residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this Joint Zoning Ordinance.
 - (j) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
 - (k) A narrative describing the measures proposed to achieve minimum off-site disturbance.
 - (14) Streetlights: Where streetlights are required as part of the improvements for a subdivision plan or land development plan, the streetlights shall be located, designed, installed and maintained to comply with all pertinent standards specified by Lower Alsace Township and/or Mount Penn Borough.
- (G) Submission of Lighting Plans. Where outdoor lighting is required by this Joint Zoning Ordinance or installed on any property within Lower Alsace Township and/or Mount Penn Borough, the applicant or landowner shall submit a lighting plan to Lower Alsace Township and/or Mount Penn Borough for review and approval. The submission shall contain the following information:
- (1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices in relation to all features to be served by such lighting system including but not limited to structures, parking and loading spaces, building entrances, vehicle and pedestrian traffic areas, landscaping and vegetation that could interfere with or be used to screen lighting, building facades, monuments, fountains and similar architectural features.
 - (2) Description of existing and proposed illuminating devices, fixtures, lamps, supports, reflectors, glare reduction devices, "on/off" control devices, pole foundations and other devices. In addition detailed descriptions and drawings shall be included as applicable including but not limited to catalog cuts by manufacturers, elevations, pole wind-loading analyses, pole foundation details, canopy detail drawings, and drawings (including sections where required, the angle of the cutoff or light emissions, etc.).
 - (3) A point-by-point illuminance-grid plot on ten (10) foot by ten (10) foot centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Sections 719.F.4 and 719.F.5 of this Joint Zoning Ordinance or as otherwise required by Lower Alsace Township and/or Mount Penn Borough. When the scale of the plan, as judged by Lower Alsace Township and/or Mount Penn Borough, makes a ten (10) foot by ten (10) foot grid plot illegible, a larger grid spacing may be permitted.

- (4) When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
 - (5) When requested by Lower Alsace Township and/or Mount Penn Borough, the applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare. This plan may require the inclusion of footcandle values at specific off-site locations (e.g., bedroom windows of adjacent residential uses, street centerlines and etc).
 - (6) Required Plan Notes: The following notes shall appear on the lighting plan:
 - (a) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to Lower Alsace Township and/or Mount Penn Borough for review and approval.
 - (b) Lower Alsace Township and/or Mount Penn Borough reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Joint Zoning Ordinance and as otherwise agreed upon by Lower Alsace Township and/or Mount Penn Borough, and if appropriate, to require remedial action at no expense to Lower Alsace Township and/or Mount Penn Borough.
 - (c) The applicant or property owner shall be responsible for all costs involved in the maintenance, upkeep and operation of all required outdoor lighting facilities.
 - (d) Electrical Connections: Electrical feeds to all lighting standards shall be installed underground, not overhead. All such site improvements shall be subject to the approval of Lower Alsace Township or Mount Penn Borough and the utility company providing service to the outdoor lighting facilities.
 - (15) Compliance: Lower Alsace Township and/or Mount Penn Borough may require testing or investigate illumination levels to determine compliance of the lighting standards specified under Section 719 of this Joint Zoning Ordinance. If the landowner is not in compliance with the lighting standards, the landowner shall be responsible for the reimbursement of the total cost of the initial testing and any follow-up testing that has been conducted or authorized by Lower Alsace Township and/or Mount Penn Borough.
- (H) Prohibitions: The following outdoor lighting facilities, displays or effects shall be prohibited:
- (1) Search lights, flashing lights or lights that may cause a hazard by impairing driver's vision shall not be permitted unless such lights are part of police, fire, ambulance or emergency services operation.
 - (2) Rotating, traveling, pulsing, flashing, animated, marching or oscillating light sources, lasers, beacons, searchlights, or strobe lighting shall not be permitted.
 - (3) The use of highly reflective or illuminated signage that creates nuisance glare or a safety hazard shall not be permitted.
- (I) Exemptions. The standards of this Section 719 shall not apply to the following:
- (1) Holiday lighting utilized as temporary outdoor lighting during customary holiday seasons.
 - (2) Civic Event Lighting utilized as temporary outdoor lighting for civic celebrations and promotions.
 - (3) Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Pennsylvania Department of Transportation, or other federal, state, county or municipal agencies, to include streetlights within the public right-of-way.
 - (4) Outdoor lighting fixtures required by law enforcement, fire and rescue, or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction.
- (J) Lower Alsace Township and/or Mount Penn Borough may consider optional design and improvement alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the zoning permit, subdivision or land development plan.

Section 720: Mailboxes

- (A) Unless otherwise prohibited by local, state or federal requirements, private or community mailboxes may be permitted within the street right-of-way.
- (B) The landowner shall be responsible for the ownership and maintenance responsibilities of a private mailbox.
- (C) The landowner, homeowners association or other designated entity shall be responsible for the ownership and maintenance responsibilities of a community mailbox.
- (D) All private and community mailboxes shall be located, designed, constructed and erected to comply with all postal and federal government requirements.
- (E) Lower Alsace Township and/or Mount Penn Borough shall not be responsible for any damage made to a private or community mailbox as a result of maintenance duties and/or road projects.

Section 721: Noise Standards

- (A) The following requirements for noise and vibration control shall apply to all existing and proposed uses within Lower Alsace Township and/or Mount Penn Borough:
 - (1) Noise shall be regulated by the provisions of this Joint Zoning Ordinance and/or by other municipal ordinances pertaining to noise.
 - (2) No physical vibration shall be perceptible without aid of instruments at or beyond the lot lines with the exception of temporary construction activity.
 - (3) No continuous noise in excess of the following limits shall be permitted at the property line of the site on which the noise sources originates:

Maximum Permissible Noise Levels (in decibels or dBA)			
Measurement taken along the adjoining property line within the following Zoning Districts	Time of Day (over 10 minute time period)		Maximum Peak Limits Over any 8 hour period
	6:00 am to 8:00 pm	8:00 pm to 6:00 am	
Rural Conservation (RC) Zoning District Rural Residential (R-1) Zoning District	55 dBA	50 dBA	60 dBA less than 10 minutes
			70 dBA less than 1 minute
Low Density Residential (R-2) Zoning District; Medium Density Residential (R-3) Zoning District High Density Residential (R-4) Zoning District Urban Residential (R-5) Zoning District	60 dBA	55 dBA	60 dBA less than 10 minutes
			70 dBA less than 1 minute
Local Commercial (C-1) Zoning District General Commercial (C-2) Zoning District Light Industrial (I-1) Zoning District	65 dBA	60 dBA	70 dBA less than 10 minutes
			75 dBA less than 1 minute

- (4) For noises that are considered smooth or continuous, the maximum permitted noise levels shall be measured over a period of ten (10) minutes. The noise levels shall be measured or verified by the Zoning Officer or a Police Officer with municipal jurisdiction along any adjoining property line from which the noise originates. Where the noise levels exceed the maximum permissible limits during the specified time period and time of day, the owner of the property shall be considered in violation of the maximum decibel limits permitted by this Section of the Joint Zoning Ordinance.

- (5) For those noises that are not smooth and continuous, the peak noise levels shall be measured over a period of one (1) minute to ten (10) minutes. The noise levels shall be measured by the Zoning Officer or Code Enforcement Officer along any adjoining property line from which the noise originates.
 - (6) Where the noise levels exceed the maximum permissible peak limits during any eight (8) hour period of time, the landowner of the property shall be considered in violation of the maximum decibel limits permitted by this Section of the Joint Zoning Ordinance.
- (B) The maximum permissible noise levels specified by Section 721.A of this Joint Zoning Ordinance shall not apply to the following conditions:
- (1) General repair activities conducted between the hours 6:00 a.m. to 8:00 p.m. provided that the activities are permitted by Lower Alsace Township and/or Mount Penn Borough.
 - (2) Construction activities conducted between the hours 6:00 a.m. to 8:00 p.m. provided that the activities are permitted by Lower Alsace Township and/or Mount Penn Borough or other agency with jurisdiction.
 - (3) Household power tools and equipment utilized between the hours of 6:00 a.m. to 8:00 p.m. provided that the activities are temporary or do not exceed a six (6) month time period).
 - (4) Blasting, providing it is conducted in association with construction activities, which have been permitted by local, state or federal agencies.
 - (5) Alarms or other devices used for the purposes of alerting people to the existence of an actual emergency or to warn people of an imminent danger.
 - (6) Municipal uses.
 - (7) Routine noises made by bells, chimes, carillons utilized for a place of worship, school or civic use.
 - (8) Licensed motor vehicles and authorized modes of transportation.
 - (9) Agricultural uses.
 - (10) Generators.

Section 722: Outdoor Storage and Display Requirements

- (A) Shopping Cart Storage: For those uses that provide shopping carts for use by customers, the outdoor storage and collection of shopping carts is permitted subject to the following.
- (1) Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks or under a canopy) and/or within the parking lot.
 - (2) In no case shall the shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, required parking and loading areas, or emergency vehicle access provisions.
 - (3) Shopping cart storage and collection areas shall be situated to provide pedestrian access (sidewalk or other area) at least ten (10) feet wide and twenty (20) feet deep adjoining the storefront or within the off-street parking area.
 - (4) Signage for shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs.
- (B) Seasonal Sidewalk Displays: The following provisions shall apply to seasonal sidewalk sales:
- (1) Only seasonal merchandise may be displayed, and shall be limited to April 1 to October 1 and November 25 to January 5 of each calendar year.

- (2) The location of such outdoor displays shall be limited to sidewalks, under canopies, and other areas immediately in front of the building storefront. The stacking or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide.
 - (3) In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).
 - (4) In no case shall such sidewalk display area exceed fifty (50) percent of the linear area of the storefront. For example, a storefront two hundred (200) feet long could have a sidewalk display directly in front of the store with a maximum length of one hundred (100) feet.
 - (5) No signage, except as authorized by this Joint Zoning Ordinance, shall be permitted.
 - (6) The applicant shall submit a working plan to Lower Alsace Township and/or Mount Penn Borough for the cleanup of litter and debris which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permit applications and/or plans required by Lower Alsace Township and/or Mount Penn Borough. No additional permits shall be required, unless such area is to change location or size.
- (C) Special Event Sales: The following provisions shall apply to special event sales:
- (1) In addition to the other provisions contained within this Joint Zoning Ordinance, special event sales shall be permitted and limited to no more than a total of fifty (50) cumulative days per calendar year.
 - (2) Areas used for special event sales displays shall be sited to comply with the setback requirements for a principal use, or as required for a principal structure, whichever is greater.
 - (3) Special event sales may be located within the parking lot, provided that such location does not contribute to congestion within the parking lot and upon the access drives that provide direct access to public roads. Within parking lots, such display areas shall be clearly delineated from the adjoining parking lot by the use of identifiable barriers (such as tents, canopies, temporary fences, or ropes). Additionally, the location within the parking lot shall only be permitted provided that the remaining parking spaces available for use are greater than or equal to the number of such spaces required for the principal use by this Joint Zoning Ordinance.
 - (4) The area devoted to special event sales displays shall not exceed twenty (20) percent of the gross leasable floor area of the use(s) conducting the special event sale.
 - (5) In shopping centers, special event sales shall be jointly held by all of those occupants of the shopping center that wish to participate. No individual occupants of a shopping center shall be permitted to conduct separate special event sales.
 - (6) All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address or lighting systems shall be used that produce glare or noise impacts discernable at or beyond the property line.
 - (7) Signage for special event sales shall comply with the applicable requirements contained within this Joint Zoning Ordinance.
- (D) Residential Storage: The storage of building materials, construction equipment, vehicles, fuel, household items, machinery, clothing, appliances, furniture and other discarded items that are located outside of a residential dwelling or use shall only be permitted as a temporary basis (maximum 30 days) for storage and/or removal. All such personal storage shall not create an adverse visual impact on the overall character of the residential neighborhood.
- (E) Garage/Yard Sales: The provisions for garage sales or yard sales are further specified under Section 715 of this Joint Zoning Ordinance.

Section 723: Performance Standards and Controls

- (A) All permitted uses within Lower Alsace Township and/or Mount Penn Borough shall operate in compliance with all applicable local, state and federal regulations relating to: air quality; noise and vibration; odor; light, heat and glare; solid waste management; sanitary sewage disposal; water supply; utility and energy; outdoor storage; and other similar regulations..
- (B) All permitted uses shall operate in compliance with the regulations adopted by Lower Alsace Township and/or Mount Penn Borough as well as all applicable state and federal regulations. The following is partial list of known governmental regulations associated with various land uses and their impacts:
 - (1) Noise pollution and vibration: “Rules and Regulations” of the Commonwealth of Pennsylvania, as well as any and all regulations that may succeed or replace these regulations.
 - (2) Air pollution, airborne emissions, and odor: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations.
 - (3) Water pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1 as amended, as well as any and all regulations that may succeed or replace these regulations.
 - (4) Mine reclamation and open pit setback: Pennsylvania Act No. 1984-219, the “Noncoal Surface Mining Conservation and Reclamation Act,” as well as any and all regulations that may succeed or replace these regulations.
 - (5) Glare and heat: “Rule and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations.
- (C) The list specified under Section 723.B of this Joint Zoning Ordinance does not exclude or limit state or federal jurisdiction over uses in Lower Alsace Township and/or Mount Penn Borough, but merely provides information to applicants and landowners.

Section 724: Prohibited Uses

- (A) No building or structure may be erected, altered or used, and no lot or premises may be used, for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination or similar substances or conditions.
- (B) No building, structure, land, watercourses, or parts thereof within Lower Alsace Township and/or Mount Penn Borough shall be used or occupied, erected, constructed, assembled, moved, enlarged, reconstructed or structurally altered unless in conformity with the provisions of this Joint Zoning Ordinance.

Section 725: Projections into Yards

- (A) The following projections shall be permitted into required yards and shall not be considered in the determination of the lot coverage requirements:
 - (1) Terraces and patios, provided that it is unroofed or otherwise enclosed. Such features may not be closer than five (5) feet to any property line.
 - (2) Projecting architectural features (such as bay windows, cornices, eaves, fireplaces, chimneys, window sills, and similar features) provided that any single such feature does not exceed five (5) square feet in external area, when viewed in plan view.
 - (3) Uncovered stairs and landings, provided that such stairs or landings do not exceed three (3) feet six (6) inches in height.

- (4) Open balconies and fire escapes, provided that such balcony or fire escape is not supported on the ground and does not project more than five (5) feet into any yard nor be within three (3) feet of any property line.
- (5) Cornices, eaves and gutters may not project further than eighteen (18) inches into the required setback.
- (B) In situations where the property line is in doubt, the Zoning Officer may require the property owner to have a professional land surveyor determine and mark the precise limits of the property line in question.

Section 726: Residential Conversions

- (A) The conversion of a single-family detached dwelling into a dwelling to be occupied by two (2) or more families shall be prohibited.
- (B) A non-residential use may be converted into a mixed-use commercial and residential use provided that such conversion complies with the provisions specified under Section 634 of this Joint Zoning Ordinance.

Section 727 Roadside Stands for the Sale of Agricultural and Horticultural Products

- (A) Roadside stands for the sale of agricultural and horticultural products shall be permitted as follows:
 - (1) Roadside stands utilized as an accessory use for an agricultural operation or non-residential use shall be permitted by right within the RC, R-1 and R-2 Zoning Districts of Lower Alsace Township.
 - (2) Roadside stands utilized as an accessory residential use or home occupation use shall be permitted by special exception within the RC, R-1, R-2, R-3 and R-4 Zoning Districts of Lower Alsace Township. A special use permit shall be required for roadside stands that existing prior to the enactment of this Joint Zoning Ordinance.
 - (3) Roadside stands utilized as an accessory commercial use shall be permitted by special exception within the C-1, C-2 and I-1 Zoning Districts.
- (B) All roadside stands shall comply with the following standards and specifications:
 - (1) The agricultural or horticultural products sold at the roadside stand shall be from a local farm that is located within fifty (50) miles of the roadside stand.
 - (2) The total display area of the agricultural products sold at the roadside stand shall be limited to six hundred (600) square feet.
 - (3) The roadside stand shall be considered as a temporary and portable structure, which shall be located at least forty (40) feet from the centerline of the cartway and two hundred (200) feet from any street intersection. In no case shall the roadside stand be placed within the street right-of-way.
 - (4) The portable roadside stand shall be removed during seasons when agricultural products are not sold or if the roadside stand becomes inactive for 180 consecutive days.
 - (5) Parking areas shall be designed, located and constructed in a manner considering the customer vehicles entering and exiting the property. All required parking areas shall be maintained as mud-free conditions located outside of the street right-of-way and shall not create a traffic hazard.
 - (6) A total of two (2) off-street parking areas shall be provided for the initial one hundred (100) square feet of permitted display area plus one (1) off-street parking space shall be provided for each additional one hundred (100) square feet of display area. The maximum number of off-street parking spaces shall be ten (10) off-street parking spaces.
 - (7) All proposed driveway openings shall be reviewed and permitted by Lower Alsace Township and/or Mount Penn Borough (local roads) and/or the Pennsylvania Department of Transportation (state roads).

- (8) A sign displaying the name or products for sale may be permitted, subject to the following requirements: no more than one (1) such sign shall be erected on the lot; the area of the sign shall not exceed ten (10) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten (10) feet of the cartway.

- (C) A temporary or seasonal permit shall be required in order to occupy and operate a roadside stand.

Section 728: Satellite Dish Antennas

- (A) Satellite dish antennas shall be permitted as an accessory structure and use as follows:

- (1) Satellite dish antennas that are mounted on the side or rear façade of a building shall be permitted by right within all zoning districts.
- (2) Satellite dish antennas that are mounted on the roof of the principal building shall be permitted by right within all zoning districts.
- (3) Satellite dish antennas that are mounted on the front façade of a principal building shall only be permitted when a signal can not be obtained to provide service. If the front façade is utilized strictly out of convenience and not as a result of signal failure shall be permitted by special exception within all zoning districts.
- (4) Satellite dish antenna that are ground mounted within the front yard shall be prohibited. Satellite dish antennas that are ground mounted in the side or rear yard shall be permitted by special exception within all zoning districts.
- (5) Satellite dishes that are mounted on an accessory building or structure shall be prohibited.
- (6) Satellite dish antennas that are no longer utilized to receive a signal for communication or entertainment purposes shall be removed by the landowner within thirty (30) days from the cancellation or termination of the contract with the service provider.

- (B) The following standards and specifications shall apply to satellite dish antennas:

- (1) The satellite dish antenna shall not exceed three (3) feet in diameter.
- (2) The satellite dish antenna and all support devices shall be located in a manner to comply with the minimum dimensional requirements for the zoning district to which it is located.
- (3) No more than two (2) active satellite receiving dish antenna shall be permitted per principal use
- (4) The satellite dish antenna and accessory components shall comply with specifications of the manufacturer and the building code requirements of Lower Alsace Township and/or Mount Penn Borough.
- (5) The allowance of a satellite dish antenna(s) shall in no way place liability upon Lower Alsace Township and/or Mount Penn Borough for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not Lower Alsace Township and/or Mount Penn Borough.
- (6) Satellite dish antennas utilized to transmit or receive communications as an accessory use for a permitted non-residential use shall be permitted by right. All such facilities shall comply with all pertinent state and federal laws.

- (C) Telecommunication and wireless communications facilities shall comply with the provisions that are specified under Section 656 of this Joint Zoning Ordinance.

Section 729: Solid Waste Storage and Disposal

- (A) Trash and refuse disposal shall comply with the all pertinent provisions adopted by Lower Alsace Township and/or Mount Penn Borough.
- (B) All containers or dumpsters utilized for solid waste disposal or recycling shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. Unless otherwise specified by this Joint Zoning Ordinance, the following setback requirements shall apply:
 - (1) Trash and recycling containers utilized for residential uses shall be stored in the side or rear yard.
 - (2) Individual trash and recycling containers utilized for a multi-family apartment dwelling unit shall be stored within the building or within a designated external area located at least twenty (20) feet from the property line.
 - (3) Dumpsters or community solid waste disposal areas utilized for a development containing multi-family dwelling units shall be located at least twenty (20) feet from the property line.
 - (4) Dumpsters or solid waste disposal areas utilized for an agricultural operation shall be located at least twenty (20) feet from any property line.
 - (5) Dumpsters or solid waste disposal areas utilized for a commercial use shall be located within the side or rear yard of the building occupying the commercial use and shall be located at least twenty (20) feet from the property line.
 - (6) Dumpsters or solid waste disposal areas utilized for an industrial use shall be located within the side or rear yard of the building occupying the industrial use and shall be located at least twenty (20) feet from the property line.
 - (7) Dumpsters or solid waste disposal areas utilized for other non-residential uses shall be located within the side or rear yard of the building occupying the institutional use and shall be located at least twenty (20) feet from the property line.
- (C) Exterior storage areas designated for trash and rubbish disposal for a non-residential use shall be properly enclosed with secured fencing and/or screened with landscaping materials.

Section 730: Swimming Pools and Therapeutic Spas

- (A) Swimming Pools: Non-commercial swimming pools, which are designed to contain water at a depth of twenty-four (24) inches or more, that are utilized for the purpose of swimming and bathing shall comply with the following standards and specifications:
 - (1) Non-commercial swimming Pools shall include in-ground swimming pools, above-ground swimming pools, portable swimming pools and/or inflatable swimming pools, which are considered as a residential accessory use that is not open to the public or utilized as a commercial recreation use.
 - (2) The swimming pool shall be utilized as a residential accessory use, which shall only be available to the family of the householder and their private guests.
 - (3) The swimming pool including the decking, apron, filters, pumps and related equipment shall comply with the following setback requirements:
 - (a) A swimming pool located within the RC, R-1, R-2 and I-1 Zoning Districts shall be located at least twenty (20) feet behind front face of the principal building and at least twenty (20) feet from the side or rear property line.
 - (b) A swimming pool located within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts shall be located at least ten (10) feet behind front face of the principal building and at least ten (10) feet from the side or rear property line.

- (c) The swimming pool may be located within an alternative location if the Zoning Officer determines that the side yard and rear yard of the lot contains site development restrictions or environmentally sensitive lands including floodplains, wetlands, steep slopes (over 20 percent), stormwater management facilities, utilities and other similar factors that would prohibit a permitted location within the side yard or rear yard of the lot.
- (4) The swimming pools shall be considered as an impervious surface that shall apply towards the lot coverage requirements.
- (5) All swimming pools shall be entirely enclosed with a continuous, non-climbable, rigid fence or wall, which shall comply with the following requirements:
 - (a) The required fence shall be constructed of brick, stone, wood, metal, synthetically engineered materials, or other building materials, all of which shall be used in a manner that complies with the requirements of this Joint Zoning Ordinance, as determined by Lower Alsace Township and/or Mount Penn Borough.
 - (b) The required fence shall have a minimum height of four (4) feet. No openings shall be permitted between the various fence components or between the fence and the ground that would allow the passage of a four (4) inch diameter object through such opening.
 - (c) The exterior side of the fence shall rise perpendicular from the ground and shall not contain steps or any protrusions or recessions which could aid in the climbing of the fence.
 - (d) Where the swimming pool is located above ground, the sides of the pool may be considered as part of the fence required to enclose the pool, provided that the pool walls are at least four (4) feet in height and have a retractable ladder.
 - (e) The required fence shall be equipped with a self-closing and self-latching gate, which shall be locked or secured at all times when the swimming pool is unattended.
 - (f) The required fence or wall shall comply with all applicable building code requirements.
- (6) No water from a pool shall be discharged into a sanitary sewer system or onto any public street or alley. These requirements shall not apply to man-made ponds, lakes, or other impoundments unless the primary purpose for their construction is swimming.
- (7) No swimming pool shall be permitted without an operable filtration system that utilizes some antibacterial agent, such as chlorine, bromine or other acceptable method. Fish ponds and landscape ponds are exempt.
- (8) Inflatable and/or portable swimming pools shall be subject to the provisions of this Section of the Joint Zoning Ordinance.
- (9) Any flood lighting or other illumination used in conjunction with the swimming pool shall be shielded and directed away from adjacent property owners.
- (10) All swimming pools shall comply with the appropriate provisions for permits, construction, plumbing, sanitation, inspection, operation and maintenance, which are further defined and outlined by Lower Alsace Township and/or Mount Penn Borough.
- (11) The swimming pool shall be used or intended to be used in connection with a residential use and available only to the family of the householder and their private guests.
- (12) Commercial swimming pools shall comply with the provisions specified under Section 644 of this Joint Zoning Ordinance

- (B) Therapeutic Spas or Hot Tubs: Therapeutic spas or hot tubs, which are designed to contain a water depth of twenty-four (24) inches or more shall comply with the following standards and specifications:
- (1) The therapeutic spa or hot tub shall be utilized as a residential accessory use, which shall only be available to the family of the householder and their private guests.
 - (2) The therapeutic spa or hot tub, including the filters, pumps and other mechanical or structural equipment s shall comply with the following setback requirements:
 - (a) A therapeutic spa or hot tub swimming pool located within the RC, R-1, R-2 and I-1 Zoning Districts shall be located at least ten (10) feet behind front face of the principal building and at least ten (10) feet from the side or rear property line.
 - (b) A therapeutic spa or hot tub swimming pool located within the R-3, R-4, R-5, C-1 and C-2 Zoning Districts shall be located at least five (5) feet behind front face of the principal building and at least five (5) feet from the side or rear property line
 - (3) The therapeutic spa or hot tub shall be considered as an impervious surface that shall apply towards the lot coverage requirements.
 - (4) Any flood lighting or other illumination used in conjunction with the therapeutic spa or hot tub shall be shielded and directed away from adjacent property owners.
 - (5) The therapeutic spa or hot tub shall be completely enclosed by a cover in accordance with the manufacturer's specifications of the manufacturer and the codes established by the municipality with jurisdiction.
 - (6) The therapeutic spa or hot tub shall comply with the requirements for permits, construction, plumbing, sanitation, inspection, operation and maintenance, which are further regulated under the codes adopted by Lower Alsace Township and/or Mount Penn Borough.

Section 731: Temporary Structures and Uses

- (A) A temporary permit shall be issued for the authorization of temporary structures or uses necessary during construction, renovations, remediation, moving or other special circumstances of a discontinuing nature.
- (B) The time period of the initial permit shall be one (1) year, which may be renewed for one (1) year time periods up to and not exceeding two (2) years from the time the original temporary permit was issued.
- (C) The temporary structure(s) shall be removed completely within thirty (30) days of the expiration of the permit without cost to Lower Alsace Township and/or Mount Penn Borough.
- (D) The following provisions shall apply to temporary accessory uses and structures:
 - (1) Temporary accessory uses may include, but not limited to: mobile kitchens; transient display and sale of seasonal items; potable on-demand storage containers (POD); clothing drop-off containers; contractor's storage area; carnivals and festivals; emergency management staging location; and other similar temporary accessory uses.
 - (2) The temporary accessory use shall be permitted as a use within the zoning district on which it is located or as an acceptable subordinate use to the principal use located on the lot.
 - (3) All temporary structures required to support a permitted temporary accessory use shall comply with the setback requirements of the zoning district on which the temporary accessory use is located.
 - (4) All temporary structures and uses shall comply with the provisions specified under Section 722 of this Joint Zoning Ordinance.

Section 732: Utilities

- (A) Unless otherwise specified by the utility provider, all basic utility service lines for electric, natural gas, cable television, and telephone shall be placed underground.
- (B) The installation of all utilities shall be in strict accordance with the engineering standards and specifications of the public utility company.
- (C) Where such underground utilities are located under the proposed cartway, they shall be put in place, connected, and approved before the streets are constructed and before any person is permitted to occupy any building to be served by such utilities.
- (D) Where easements or rights-of-way are required to accommodate utility installations, such easements shall have a minimum width of twenty (20) feet. New utility easements and rights-of-way shall be located only upon consultation with the appropriate utility company.
- (E) Where feasible, easements and rights-of-way shall be centered or adjacent to rear or side lot lines. No structures, materials and/or trees shall be placed within such easements and rights-of-way.
- (F) Right-of-way standards and installation procedures for natural gas and petroleum product transmission lines shall conform to all applicable federal and state regulations, including regulations governing the width of the right-of-way, location of pipeline within the right-of-way, the proposed depth of the pipeline, and the pipe wall thickness. There shall be a minimum distance of fifty (50) feet, measured in the shortest distance, between any proposed or existing dwelling and any petroleum products or natural gas transmission line.

Section 733: Yards along Double and Reverse Frontage Lots

- (A) Within double or reverse frontage lots, the front yard shall be located along the street closest to the face of the building having the principal entrance, or along the street from which primary vehicular access is provided if the lot does not contain a building. The rear yard shall be located along the other street providing frontage, and the side yards shall be located along all other lot lines.
- (B) Within reverse frontage lots, the front yard shall be located along the street of lesser intensity, the rear yard shall be located along the street of higher intensity, and the side yards shall be located along all other lot lines.
- (C) Within corner lots, the front yard shall be located along both streets.
- (D) Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, the creation of lots designed as a “through lot” or a “reverse frontage lot” shall not be permitted.

Article 8: Off-Street Loading and Parking

Section 801: Statement of Intent

- (A) The purpose and objective of the provisions established under Article 8 of this Joint Zoning Ordinance is to establish specific regulations pertaining to off-street loading, parking and access management.
- (B) The provisions contained in Article 8 of this Joint Zoning Ordinance are intended to serve as minimum requirements to promote the public health, safety and the general welfare of the residents and property owners of the municipality with jurisdiction. The regulations shall supplement and not replace other land use provisions established within this Joint Zoning Ordinance. Where the regulations impose greater restrictions than those of any other statute, ordinance or regulation, the provisions established under Article 8 of the Joint Zoning Ordinance shall be upheld.

Section 802: General Provisions for Off-Street Loading and Off-Street Parking

- (A) Off-street loading and parking spaces shall be provided and maintained in accordance with the provisions of this Joint Zoning Ordinance, whereas, the number, type, size, orientation and location of the off-street loading and parking spaces shall be satisfactorily designed to accommodate the use.
- (B) The provisions for off-street loading shall apply to non-residential uses when a new non-residential use is established, changed or modified and/or when a building is constructed, enlarged or altered to accommodate the non-residential use. Unless otherwise specified by this Joint Zoning Ordinance, the off-street loading spaces shall comply with the design standards specified under Section 803 of this Joint Zoning Ordinance.
- (C) The provisions for off-street parking shall apply to residential and non-residential uses when a new use is established, changed or modified and/or when a building is constructed, enlarged or altered to accommodate the use. Unless otherwise specified by this Joint Zoning Ordinance, the off-street parking spaces shall comply with the design standards specified under Section 804 of this Joint Zoning Ordinance.
- (D) Where the lot area cannot accommodate the required number of off-street loading spaces or off-street parking spaces for the intended use, either the minimum lot area shall be enlarged or the intensity of the use shall be reduced.
- (E) Where an existing building or use pre-exists the effective date of this Joint Zoning Ordinance, the provisions for off-street loading and off-street parking, as specified within this Article shall not specifically apply, unless the building or use is enlarged or altered in a manner that increases the demand for off-street loading or off-street parking.
- (F) Where an existing building or use is enlarged by floor area, number of employees, number of residential units, seating capacity, bed spaces, service bays, or other provisions specified by this Joint Zoning Ordinance, the required number of off-street loading spaces and/or off-street parking spaces shall be proportionately or incrementally increased based upon the enlargement of the building or use.
- (G) Where the computations for off-street loading spaces or off-street parking spaces results in a fractional number greater than $\frac{1}{4}$ or 0.25, the fractional number shall be rounded up to the next whole number. The municipality with jurisdiction Zoning Officer shall determine or verify the number of off-street loading and parking spaces that are required for a specific use.
- (H) No off-street loading space or off-street parking space shall be utilized for any other use that interferes with its purpose, availability or function.
- (I) All designated off-street loading spaces or off-street parking spaces shall be continued and maintained so long as the use in which the spaces were originally designed for are still in operation or existence. Unless otherwise approved by the municipality with jurisdiction, the designated off-street loading spaces or off-street parking spaces shall not be reduced in size or modified in any manner.

- (J) Common or joint off-street loading or parking spaces may be permitted for residential or non-residential uses, subject to the following provisions:
- (1) The total number of off-street parking spaces required for each permitted use shall be accounted for in the cumulative total for the common or joint off-street parking area.
 - (2) The residential or non-residential uses shall share common characteristics and will not have any adverse conflicts. As part of this requirement, the applicant or developer shall demonstrate that the uses will not generate additional off-street parking demands from employees and patrons during peak hours of operation.
 - (3) The common or joint off-street loading or parking spaces shall be located within four hundred (400) feet of the principal use(s).
 - (4) The individual property owners and/or tenants for each use shall secure a written agreement with the owner(s) of the property in which the common or joint off-street parking facilities are located. The agreement shall clearly define the specific areas, conditions for use, maintenance, fees, and other terms that may be required by the municipality with jurisdiction Solicitor.
- (K) Each use requiring an off-street loading space and/or an off-street parking space shall designate an area meeting the requirements for off-street loading, as specified by this Joint Zoning Ordinance.
- (L) Major recreational equipment, including but not limited to boats and boat trailers, travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers or similar equipment, shall not be parked or stored on any public street within the municipality with jurisdiction. The provisions for parking recreation vehicles are further specified under Section 808.A of this Joint Zoning Ordinance.
- (M) Tractor trailer trucks, trailers from a tractor trailer truck, commercial vehicles exceeding 26,000 pounds and/or vehicles exceeding twenty (20) feet in length shall be parked on an approved lot or designated area. The parking of commercial vehicles within Lower Alsace Township and Mount Penn Borough are further regulated under the provisions of Section 808.B of this Joint Zoning Ordinance.
- (N) No more than one (1) unlicensed, non-inspected, abandoned, wrecked or disabled vehicle shall be located on a lot containing a principal residential use. All such vehicles shall be completely covered by a product specifically marketed and sold as a motor vehicle cover. The storage of any unlicensed, non-inspected, abandoned, wrecked or disabled vehicle on a public street shall be subject to the appropriate provisions established by the municipality with jurisdiction.

Section 803: Off-Street Loading Areas

- (A) Where required to accommodate a residential or non-residential use, paved off-street loading and unloading space(s) shall be provided with proper access from a public street, common driveway or alley. All such areas for the loading and unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities or pedestrian ways.
- (B) Unless otherwise permitted by the municipality with jurisdiction, all loading areas and access drives shall be paved to accommodate the type of vehicles entering and exiting the site. The paving composition shall comply with the provisions established by the municipality with jurisdiction.
- (C) The loading areas shall not be located within required front yards and shall not be located within ten (10) feet of any side or rear lot line. All such spaces shall have dimensions not less than twelve (12) feet by forty five (45) feet with a clearance of not less than fourteen (14) feet in height. Alternative designs may be permitted by the municipality with jurisdiction, provided that the applicant or landowner can demonstrate that the types of trucks that have access to the site do not require the prototypical dimensional requirement for loading and unloading.
- (D) The total number of off-street loading spaces shall be determined by the requirements specified on Matrix Chart 10. The required off-street loading spaces shall be located exclusive of any public right-of-way or required parking area.

Off-Street Loading Space Requirements (Supplemental Matrix Chart 10)		
Land Use Category	Gross Floor Area or Units	Required Spaces
Residential developments containing townhouse or apartment units	Less than 25 residential units ⁽¹⁾	1
	26 to 100 residential units ⁽²⁾	2
	100 to 300 residential units ⁽²⁾	3
	More than 300 residential units ⁽²⁾	4
Office Buildings, Banks and Financial Institutions	Less than 10,000 square feet ⁽¹⁾	1
	10,000 to 20,000 square feet ⁽²⁾	2
	Over 20,000 square feet ⁽²⁾	3
Retail Sales, Professional Service Establishments, Restaurants, Shopping Centers, Mini-Malls and other Commercial Uses	Less than 5,000 square feet ⁽¹⁾	1
	5,000 to 25,000 square feet ⁽²⁾	2
	25,000 to 50,000 square feet ⁽²⁾	3
	Over 50,000 square feet ⁽²⁾	4
Institutional and Recreational Uses	Less than 20,000 square feet ⁽¹⁾	1
	20,000 to 50,000 square feet ⁽²⁾	2
	Over 50,000 square feet ⁽²⁾	3
Manufacturing, Mini-Warehousing, Self-Storage Units, Warehousing , Wholesaling Establishments and other Industrial Uses	Less than 10,000 square feet ⁽¹⁾	1
	10,000 to 50,000 square feet ⁽²⁾	2
	50,000 to 100,000 square feet ⁽²⁾	3
	Over 100,000 square feet ⁽²⁾	4
(1) Denotes that the off-street loading requirement may be reduced or eliminated if the applicant or developer provides documentation to the municipality with jurisdiction that the use will not need or utilize the off-street loading space. (2) Denotes that the off-street loading requirement may be reduced or increased by the municipality with jurisdiction depending upon the needs and intensity of the use.		

- (E) Where Matrix Chart 10, as specified under Section 803(D) of this Joint Zoning Ordinance, does not specify a requirement for the land use activity, or the site conditions do not warrant the specified requirement contained within the table, the municipality with jurisdiction may consider and require an alternative provision.

Section 804: Off-Street Parking Areas

- (A) Off-street parking facilities shall be provided whenever: a building is constructed or new use established; the use of an existing building is changed to a use requiring more parking facilities; an existing building is altered so as to increase the amount of parking spaces required; and/or a residential or non-residential use requires off-street parking as specified by the provisions of this Joint Zoning Ordinance.
- (B) Unless otherwise specified by this Joint Zoning Ordinance, each off-street parking space shall have a minimum area of two hundred (200) square feet with the minimum dimensions of ten (10) by twenty (20) feet. In addition, driveways, aisles and maneuvering spaces shall be provided to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley or driveway shall be provided.

- (C) Off-street parking spaces for residential uses shall be located on the same lot as the use served. Off-street parking spaces for other uses shall be provided for on the same lot as the use being served, or in parking facilities within four hundred (400) feet of the principal uses, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided entirely within the lot lines of the property.
- (D) All parking spaces designated for single-family residential units shall be located behind the street right-of-way line.
- (E) Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
- (F) All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination shall be designed in accordance with Section 719 of this Joint Zoning Ordinance. The illumination shall not be of excessive brightness and shall not produce a light trespass or glare beyond the limits of the off-street parking area.
- (G) Unless otherwise permitted by the municipality with jurisdiction, all off-street parking areas and access drives shall be paved and contain marked parking spaces. The off-street parking areas shall be properly graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The minimum grade of areas used for parking shall be at least one (1) percent and the maximum grade shall not exceed five (5) percent. Surface water shall not be concentrated onto public sidewalks and other premises.
- (H) The areas designated to comply with the provisions for off-street parking shall not be used for the sale, dead-storage, repair, dismantling or servicing of vehicles.
- (I) Off-street parking facilities existing at the effective date of this Joint Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Joint Zoning Ordinance for a similar new building or use.
- (J) The width of aisles within the off-street parking areas shall comply with the following minimum requirements:
 - (1) Where the angles of the parking spaces are at ninety (90) degrees, the width of the aisle shall be twenty-four (24) feet in width and may accommodate two (2) way travel.
 - (2) Where the angles of the parking spaces are at sixty (60) degrees, the width of the aisle shall be eighteen (18) feet in width and shall be restricted to one (1) way travel.
 - (3) Where the angles of the parking spaces are at forty-five (45) degrees, the width of the aisle shall be sixteen (16) feet in width and shall be restricted to one (1) way travel.
 - (4) Unless otherwise permitted by the municipality with jurisdiction, the parking spaces shall not be designed with angles of less than forty-five (45) degrees.
 - (5) Regardless of the configuration or angle of the parking space, the area of the parking space shall accommodate a rectangular area with a width of ten (10) feet and a depth of twenty (20) feet.
- (K) Where parking requirements are determined by the number of seats and no permanent seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
- (L) The parking areas shall be arranged and marked to provide safe and orderly movement without disrupting traffic or moving other vehicles. The design of off-street parking areas for all uses shall be such to prevent the back up of vehicles on a public street.
- (M) Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space can extend over any property line of the lot on which it is parked.
- (N) Parking areas for non-residential uses, which are designed to contain more than five (5) vehicles shall be screened from the view of persons on any land areas zoned as RC, R-1, R-2, R-3, R-4 and R-5 Zoning Districts, which is adjacent to the land on which the non-residential parking area is located. The screening shall be comprised of a fence, wall and/or landscaping materials of at least four (4) feet in height, which shall be designed to obstruct headlight glare of the parked cars.

- (O) Parking areas and access drives for non-residential uses shall be located a minimum of fifteen (15) feet from any property line and street right-of-way line. The area between the parking area and the lot line or street right-of-way line shall be landscaped in accordance with the standards specified by this Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.
- (P) Parking areas and access drives for multi-family residential development shall be located a minimum of twenty (20) feet from an exterior property line and street right-of-way line. The area between the parking area and the lot line or street right-of-way line shall be landscaped in accordance with the standards specified under this Joint Zoning Ordinance.
- (Q) Unless otherwise specified by this Joint Zoning Ordinance, the off-street parking areas and access drives for all other residential uses shall be located to comply with the following minimum setback requirements from any property line: five (5) feet for single-family detached units; zero (0) feet for the common property line of a single family semi-detached units and five (5) feet for all other property lines; zero (0) feet for the internal common off-street parking area of multi-family units within the development and twenty (20) feet from all exterior property lines and existing street right-of-way lines.
- (R) The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate the use and occupants, full-time employees, visitors and customer parking. The off-street parking spaces required shall be further specified by Matrix Chart 11 and shall be located exclusive of any public right-of-way or other specified use.

Categorical Off-Street Parking Requirements (Supplemental Matrix Chart 11)		
Use	Land Use Category	Off-Street Parking Requirement
Residential	Single Family Detached Units	2 parking spaces per unit not including garage spaces
	Single Family Semi-Detached Units	2 parking spaces per unit not including garage spaces
	Townhouse Uses and Developments	2 parking spaces per unit plus 0.5 spaces per unit for overflow parking (20 or more units)
	Multi-Family Apartment Uses and Developments	2 parking spaces per unit plus 0.5 spaces per unit for overflow parking (20 or more units)
	Residential Cluster Development for the RC, R-1 and R-2 Zoning Districts	2 parking spaces per unit not including garage spaces
	Group Homes	1 parking space for each employee plus 1 space for each 2 beds
	Convalescent and Nursing Homes	1 parking space for each employee plus 1 space for each 3 beds
	Age Qualified Retirement Communities Transitional-Age Developments	1 parking spaces per unit plus 0.5 spaces per unit for overflow parking within the development
	Manufactured Home Park	2 parking space per residential unit
	Other Residential Uses	As determined appropriate by the Zoning Officer
Commercial	Automobile Service Station and Repair Facility	1 parking space per 400 sq. feet of office/retail space plus 3 spaces per service bay plus 1 space/ employee
	Banks and Financial Institutions	1 parking space per 300 square feet of gross floor area plus 1 space per employee
	Bed and Breakfast Establishment	2 off-street parking spaces plus 1 space for each rental unit plus 1 space per employee
	Business, Professional and Governmental Office	1 parking space per 300 square feet of gross floor area plus 1 space per employee
	Club, Lodge, and Social Quarters	1 parking space per 100 square feet of gross floor area plus 1 space per employee
	Home Day Care Facility	2 parking spaces for the residential use plus 2 stacking spaces for loading/unloading

Categorical Off-Street Parking Requirements (Supplemental Matrix Chart 11)		
Use	Land Use Category	Off-Street Parking Requirement
	Commercial Day Care Facility	1 parking space per 6 students plus 4 stacking spaces for loading/unloading plus 1 per employee
	Dry Cleaner and Laundromat	1 parking space per 300 square feet of gross floor area plus 1 space per employee
	Funeral Homes	1 parking space per 300 square feet of gross floor area plus 1 space per employee
	Grocery Store	1 parking space per 300 square feet of gross floor area plus 1 parking space per employee
	Home Improvement and Building Supply Store	1 parking space per 300 square feet of gross floor area plus 1 space per employee
	Hotel or Motels	1 parking space per room, plus 1 space per employee on the maximum shift plus accessory uses
	Kennels	1 parking space per 10 animals kept or housed plus 1 space per employee
	Medical, Dental, Vision, Counseling and Health Care Provider	4 parking spaces per practitioner engaged with the principal services plus 1 space per employee
	Personal Service Establishment	1 parking space per 300 square feet of gross floor area plus 1 space per employee
	Restaurants	1 parking space per 4 seats plus 1 space per employee per shift plus tavern or taproom requirements
	Retail Business Establishment	1 parking space per 300 square feet of gross floor area plus 1 space per employee
	Shopping Centers and Shopping Malls	1 parking space per 300 square feet of gross floor area plus 1 space per employee
	Theater	1 parking space per 4 seats, which may be available on chairs, seats, pews, benches or bleachers
	Veterinary Hospital	4 parking spaces per practitioner engaged with the principal services plus 1 space per employee
	Other Commercial Uses	As determined appropriate by the Zoning Officer
Recreational	Campground	2 parking spaces per campsite plus 1 parking space per employee
	Health Club and Fitness Center	1 parking space per 300 square feet of gross floor area plus 1 space per employee on the maximum shift
	Public or Commercial Swimming Pools	1 parking space per 4 persons of total membership capacity plus 1 space per employee
	Other Recreational Use	As determined appropriate by the Zoning Officer
Industrial	Commercial Water Resource Use	1 parking space per 2 employees on the 2 largest shifts combined plus 1 space for each vehicle stored on-site
	Laboratory and Research Facilities	1 parking space per 2 employees on the 2 largest shifts combined plus 1 space for each vehicle stored on-site
	Manufacturing, Fabrication and Finishing	1 parking space per 2 employees on the 2 largest shifts combined plus 1 space for each vehicle stored on-site
	Printing and Publishing Facilities	1 parking space per 2 employees on the 2 largest shifts combined plus 1 space for each vehicle stored on-site
	Quarrying and Mining	1 parking space per 2 employees on the 2 largest shifts combined plus 1 space for each vehicle stored on-site
	Warehousing, and Distribution	1 parking space per 2 employees on the 2 largest shifts combined plus 1 space for each vehicle stored on-site

Categorical Off-Street Parking Requirements (Supplemental Matrix Chart 11)		
Use	Land Use Category	Off-Street Parking Requirement
	Wholesale Establishment	1 parking space per 2 employees on the 2 largest shifts combined plus 1 space for each vehicle stored on-site
	Other Industrial Uses	As determine appropriate by the Zoning Officer
Agricultural	General Agricultural Uses	As determine appropriate by the Zoning Officer
	Intensive Agricultural Uses	1 parking space per 2 employees on the 2 largest shifts combined plus 1 space for each vehicle stored on-site
	Landscape Center	1 parking space per 300 square feet of gross floor area for retail sales plus 1 space per employee
	Nursery or Greenhouse	1 parking space per 300 square feet of gross floor area for retail sales plus 1 space per employee
	Other Agricultural Uses	As determine appropriate by the Zoning Officer
Institutional	Assisted Living Care Facilities, Nursing Homes and Convalescent Homes	1 parking space per 4 beds plus 1 space per employee and visiting medical staff on the maximum shift
	Emergency Service Facility	1 parking space per 4 emergency service personnel plus parking spaces for accessory facilities
	Hospitals and Medical Centers	1 parking space per 4 beds plus 1 space per employee and visiting medical staff on the maximum shift
	Library and Museum	1 parking space per 400 square feet of gross floor area plus 1 parking space per employee
	Municipal Uses	As determined appropriate by the Zoning Officer
	Auditorium, Conference Center, and Public Meeting/Assemblage Facilities	1 parking space per 3 seats, which may be available on chairs, seats, pews, benches or bleachers
	School or Education Use: Nursery School through the 9 th Grade.	1 parking space per 10 students plus 1 space per employee plus auditorium requirements
	School or Education Use: 10 th through 12 th Grade; Higher Learning Facility	1 parking space per 4 students plus 1 space per employee plus auditorium requirements
	Places of Worship and Religious Facilities	1 parking space per 3 seats, which may be available on chairs, seats, pews, benches or bleachers
	Other Institutional Uses	As determined appropriate by the Zoning Officer

- (S) Where Matrix Chart 11, as specified under Section 804(R) of this Joint Zoning Ordinance, does not specify a requirement for the land use activity, or the site conditions do not warrant the specified requirement list within the table, the municipality with jurisdiction may consider and require an alternative requirement.
- (T) The municipality with jurisdiction may permit a reduction for the total number of off-street parking spaces as part of the subdivision or land development plan. Where a reduction in the total number of off-street parking spaces is considered, the applicant shall provide documentation to support that the use does not warrant the total number of spaces required. The municipality with jurisdiction may also consider the availability of on-street parking within five hundred (500) of the development. Unless otherwise permitted as part of the design requirements of the Carsonia Avenue Overlay District or the Perkiomen Avenue Overlay District, the maximum permitted reduction shall not exceed thirty (30) percent of the required total.
- (U) In addition to the required off-street parking spaces specified this Joint Zoning Ordinance, handicapped parking spaces shall be located, designed and constructed in accordance with the standards and provisions of all local, state and federal laws, including those established by the American Disabilities Act, the Uniform Construction Code, and all other pertinent codes adopted by Lower Alsace Township and/or Mount Penn Borough.:

- (V) Off street parking areas shall be suitably designed to control stormwater and minimize erosion. The minimum grade of areas used for parking shall be at least one (1) percent and the maximum grade shall not exceed five (5) percent. The maximum grade of access drives shall not exceed ten (10) percent. The surface water shall be directed to stormwater management facilities, which are designed in accordance with the provisions of the municipality with jurisdiction.
- (W) Off-street parking areas shall be suitably landscaped in order to enhance or buffer the surrounding area. The following landscaping requirements shall be provided for all off-street parking areas containing ten (10) off-street parking spaces:
 - (1) A landscaping plan shall be prepared and submitted with the subdivision plan or land development plan. The landscaping plan shall meet the criteria specified under this Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.
 - (2) Raised concrete or curbed planter islands shall be placed at each end of a row of parking spaces, which begins or terminates at an internal circulation drive, and within each row of parking spaces. The raised planter islands shall be placed so that there are not more than twenty (20) off-street parking spaces in a continuous row without an intervening landscaped planter island. The raised continuous concrete curbing shall be required around each planting island. Each such island shall be at least two hundred (200) square feet in size and planted with suitable landscaping materials.
 - (3) The perimeter of the off-street parking area shall be suitably landscaped to provide a visual buffer or to enhance the aesthetics of the area adjacent to the off-street parking area. The landscaping materials shall be selected from the list contained within Section 914 of this Joint Zoning Ordinance.
 - (4) Parking areas required to accommodate non-residential uses shall be screened from the view of residential uses located with the RC, R-1, R-2, R-3, R-4 and R-5 Zoning Districts. The screening shall be comprised of a fence, wall and/or landscaping materials of at least four (4) feet in height, which shall be designed to obstruct headlight glare and screen the view of the parked cars.
 - (5) Where possible, the use of existing trees shall be incorporated into the design of the off-street parking area or to establish a buffer yard.
- (X) Off-street parking areas and access lanes located within a parking garage facility shall be designed in accordance with accepted engineering and architectural design criteria. The minimum dimensions of the internal off-street parking spaces within the parking garage facility may be reduced to ten (10) feet by twenty (20) feet provided that such spaces are specifically designated for employees and not for visitors or the general public.

Section 805: Driveways, Private Roads, Fire Lanes and Fire Apparatus Access Roads

- (A) Driveways or access lanes shall be required to permit accessibility between a public or private street and the existing or proposed use on the lot to which it provides service. Unless otherwise specified by this Joint Zoning Ordinance, the driveway or access lane shall be designed in accordance with the following provisions:
 - (1) All driveways or access lanes shall be so constructed and maintained with materials, which will not wash nor be deposited upon public roads. No driveways or access lanes shall be located, designed and constructed so as to create a drainage or sedimentation problem on an adjacent property or street
 - (2) All driveways serving residential or non-residential uses shall be located, designed, constructed and maintained in accordance with the provisions specified by the municipality with jurisdiction.
 - (3) All driveways and access lanes shall be located, designed and constructed as to provide optimum sight distance and visibility at the intersection with the existing or proposed street.
 - (4) A permit issued by the municipality with jurisdiction shall be required for all proposed driveways entering onto a road, which is currently owned by the municipality with jurisdiction or proposed to be owned by the municipality with jurisdiction.

- (5) A permit issued by the Pennsylvania Department of Transportation, shall be required for all proposed driveways entering onto a road, which is currently owned by the state or proposed to be owned by the Commonwealth of Pennsylvania.
 - (6) No more than (1) point of ingress and egress shall be established for a residential use unless: the lot contains a single-family dwelling with sufficient frontage (lot width) along two (2) different streets; or if the lot contains a single-family dwelling that is greater than 2.5 times the lot width requirement for the zoning district to which it is located.
- (B) The following provisions shall apply to private roads, common driveways and/or shared driveways:
- (1) Common or shared driveways may provide access to not more than three (3) residential lots, provided that such the shared or common driveway has been designed, located and constructed in accordance with the requirements of the municipality with jurisdiction.
 - (2) A private road or service road may be permitted for non-residential uses within the LC, HC, OC and GI Zoning Districts. The location, design, width, length and construction specifications shall be subject to the approval of the municipality with jurisdiction.
 - (3) The municipality with jurisdiction shall not be required to accept the ownership and maintenance responsibilities of any private road, common driveway or shared driveway regardless of its condition or improved status.
- (C) Where required by the municipality with jurisdiction, a fire lane shall be located, designed and constructed in accordance with those provisions specified by the municipality with jurisdiction. All proposed fire lanes shall be reviewed and inspected by the municipality with jurisdiction Fire Marshall.
- (D) Where required by the municipality with jurisdiction, a fire apparatus access road shall be located, designed and constructed in accordance with the provisions specified by the municipality with jurisdiction.

Section 806: Drive-Through Service Facilities

- (A) Drive-through facilities, as defined under Article 2 of this Joint Zoning Ordinance, shall be considered as an accessory feature or use to the following commercial uses: banks and financial institutions; car washing facilities; personal service establishments; retail uses; restaurants; and other uses that are generally associated as having drive-through facilities, as determined by the Zoning Officer with municipal jurisdiction.
- (B) Drive-through facilities may be located on a conforming lot by special exception within the C-1 and C-2 Zoning Districts within Mount Penn Borough. As a condition, the commercial use shall be a principal use that complies with the minimum and maximum dimensional requirements, which are further specified by the zoning district on which the drive-through establishment is located and by the appropriate development requirements specified by this Joint Zoning Ordinance.
- (C) The following design standards and specifications shall apply to commercial drive-through facilities:
 - (1) The commercial drive-through facilities and access lanes shall be located at least one hundred (100) feet from an existing residential use or residential zoning district, as measured from the property line.
 - (2) The side and rear lot lines of the commercial drive-through establishment shall be adequately screened with a landscaped buffer yard.
 - (3) All means of ingress and/or egress shall be located at least two hundred (200) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation and by the municipality with jurisdiction.

- (4) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (5) A stacking or pre-service lane, measuring at least ten (10) feet in width and eighty (80) feet in length shall be provided for each service lane or bay for the drive-through establishment. Alternative designs may be accepted by West Nantmeal Township as part of a land development plan application, provided that the design does not interfere with internal or external traffic patterns.
- (6) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
- (7) All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other sounds are not audible at any street line or property line. All such systems shall not be utilized between the hours of 9:00 pm and 7:00 am.
- (8) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.5 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle.

Section 807: Highway Frontage Development and Access Management Requirements

- (A) Subdivision and land development activity along the frontage of collector streets and arterial streets shall comply with the following provisions:
 - (1) All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised curb, planting strip or other suitable barrier against unchanneled motor vehicle entrance or exit, except for the necessary accessways or access roads, which supply ingress and egress from such parking, loading or storage area.
 - (2) Each non-residential use with less than one hundred-fifty (150) feet of frontage along a public street shall have not more than one (1) point of ingress and egress to each such street. No non-residential use with one hundred-fifty (150) feet or more frontage along a public street shall have more than two (2) points of ingress and egress to any one (1) street for each three hundred (300) feet of frontage. Where feasible, movement into and out of parking areas shall avoid direct access to or from an arterial street or major collector.
 - (3) Unless otherwise permitted by the municipality with jurisdiction or the Pennsylvania Department of Transportation, where there is more than one (1) driveway to an off-street parking facility, consideration should be given to limit the driveways to one (1) way travel either as a point of ingress or a point of egress to the off-street parking facility. The width of such entrances and exits, as measured at the right-of-way line, shall conform to the following schedule:
 - (a) For one (1) way travel providing a point of ingress or egress, the minimum width shall be twelve (12) feet and the maximum width shall be twenty-four (24) feet.
 - (b) For two (2) way travel providing a point of ingress and egress, the minimum width shall be twenty-four (24) feet and the maximum width shall be thirty-six (36) feet
 - (4) Unless otherwise required by the municipality with jurisdiction or the Pennsylvania Department of Transportation, the radius of the edge or the driveway apron shall be at designed at a minimum radius of ten (10) feet and a maximum radius of thirty (30) feet.
 - (5) The location and width of the point of ingress and/or egress for all driveways and access lanes shall be planned so as not to interfere with the use of adjacent property and with pedestrian and vehicular traffic on the collector or arterial street.

- (B) In order to enhance mobility and limit accessibility along collector and arterial streets, the following access management strategies shall be considered as part of the subdivision and land development process:
- (1) Driveway cuts along collector and arterial routes should be minimized or consolidated. Where appropriate and permitted by the municipality with jurisdiction, common driveways for certain land uses or developments may be considered.
 - (2) The lot width, type of land use, and the anticipated traffic volumes should determine how many driveway cuts should be permitted along a collector or arterial road. Where required, the traffic impact study should consider the impacts that could adversely reduce mobility along the collector or arterial route.
 - (3) Where appropriate to enhance safety conditions, traffic improvements shall be considered as part of the subdivision and land development plan application, which may include: the installation of traffic signals; the construction of separate right turn lanes and/or left turn lanes; the installation of median barriers to efficiently separate and direct vehicular traffic to its intended destination; and to require the installation of sidewalks, handicapped ramps and crosswalks.
 - (4) Inappropriate or unsafe turning movements along collector or arterial streets shall be prohibited.
 - (5) Sight distance and visibility at all driveways and access lanes shall be maintained and enhanced by establishing effective setback requirements, limiting the size of signs, minimizing distractions, and establishing a horizontal profile that will provide sufficient right-of-way to accommodate future transportation improvements.
- (C) Where in the best interest of the community, the municipality with jurisdiction may consider alternative methods of highway frontage development and/or access management strategies provided that the alternative provides consideration for public safety, enhancing mobility and limiting accessibility along collector and arterial streets.

Section 808: Parking of Recreation Vehicles and Commercial Vehicles

- (A) Recreational Vehicles, Boats, Campers and Trailers: Except as noted elsewhere within this Joint Zoning Ordinance, the following provisions shall apply to the storage of recreation vehicles, boats, campers and trailers within the RC, R-1, R-2, R-3, R-4 and R-5 Zoning Districts, or upon any existing lots used principally for residential purposes within the C-1, C-2 and I-1 Zoning Districts:
- (1) For purposes of this section, recreational vehicles, travel trailers, utility trailers, boats (including trailers), and other trailers used solely for the transport of the residents recreational vehicle(s) are divided into two separate categories, as follows:
 - (a) Category 1 Recreation Vehicle that are less than two hundred (200) square feet, as described as follows: those recreational vehicles, travel trailers, utility trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, out-rigging fishing poles), but will be measured to the highest point of any fly-bridge or other boat console.
 - (b) Category 2 Recreation Vehicles that are more than two hundred (200) square feet, as describe as follows: those recreational vehicles, travel trailers, utility trailers, boats (including trailers), and other trailers used solely for the transport of the residents recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, out-rigging fishing poles), but will be measured to the highest point of any fly-bridge or other boat console.

- (2) The temporary parking of one Class A or Category 2 Recreation Vehicle for periods not exceeding forty-eight (48) hours during any seven (7) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back more than ten (10) feet from any street right-of-way, and more than five (5) feet from any adjoining property lines.
- (3) The permanent storage or parking of a Category 1 Recreation Vehicle shall be permitted, subject to the following requirements:
 - (a) The storage of Category 1 Recreation Vehicles within the RC, R-1 and R-2 Zoning Districts shall be permitted provided that the vehicle storage area is located on an improved parking space behind the building setback line and at least ten (10) feet from the side and rear lot line.
 - (b) The storage of Category 1 Recreation Vehicles within the R-3, R-4, R-5, C-1, C-2 and I-1 Zoning Districts shall be permitted provided that the vehicle storage area is located on an improved parking space behind the building setback line and at least three (3) feet from the side and rear lot line.
 - (c) The designated vehicle storage areas occupied by Category 1 Recreation Vehicles shall be paved and maintained in mud-free conditions, the vegetation shall be properly trimmed, and debris or litter shall be disposed of on a regular basis.
 - (d) Category 1 Recreation Vehicles shall be maintained in order to prevent the leakage of fuels and/or lubricants into the ground or surface water.
 - (e) If applicable, Category 1 Recreation Vehicles shall be required to maintain valid licenses and obtain current inspections.
- (4) The permanent storage or parking of a Category 2 Recreation Vehicle shall be permitted within the RC, R-1 and R-2 Zoning Districts, subject to the following requirements:
 - (a) The storage of Category 2 Recreation Vehicles shall be permitted provided that the vehicle storage area is located on an improved parking space behind the building setback line and at least ten (10) feet from the side and rear lot line.
 - (b) The designated vehicle storage areas occupied by Category 2 Recreation Vehicles shall be paved and maintained in mud-free conditions, the vegetation shall be properly trimmed, and debris or litter shall be disposed of on a regular basis.
 - (c) Category 2 Recreation Vehicles shall maintain shall be maintained in order to prevent the leakage of fuels and/or lubricants into the ground or surface water.
 - (d) If applicable, Category 2 Recreation Vehicles shall be required to maintain valid licenses and obtain current inspections.
- (5) The permanent storage or parking of any Category 2 Recreation Vehicle shall be prohibited within the R-3, R-4, R-5 Zoning Districts, or upon any existing lots used principally for residential purposes within the C-1, C-2 and I-1 Zoning Districts, unless the following requirements are met:
 - (a) In no case shall the vehicle contain more than three-hundred twenty (320) square feet, as measured to the vehicle's outermost edges, nor exceed a height of twelve (12) feet, as measured from the ground to the highest point of the vehicle's main body. The vehicle height shall not be measured on vehicle accessories (air conditioners, vents, hatches, antennas, masts, out-rigging fishing poles), but will be measured to the highest point of any fly-bridge or other boat console.
 - (b) The Category 2 Recreation Vehicle shall be located on an improved parking space behind the building setback line and at least six (6) feet from the side and rear lot line.
 - (c) No more than one (1) Category 2 Recreation Vehicle shall be permitted on a lot

- (d) The vehicle storage area shall be screened with fencing or landscaping materials along any adjacent side and rear lot lines. Such screening shall not extend into the required front yard.
 - (e) The designated vehicle storage areas occupied by Category 2 Recreation Vehicles shall be maintained in mud-free conditions, the vegetation shall be properly trimmed, and debris or litter shall be disposed of on a regular basis.
 - (f) If applicable, Category 2 Recreation Vehicles shall be required to maintain valid licenses and obtain current inspections.
- (6) Unless otherwise permitted by the municipality with jurisdiction, the on-street parking or storage of a Category 1 Recreation Vehicle or Category 2 Recreation Vehicle shall not be permitted.
 - (7) Unless otherwise permitted as part of the normal functions of a commercial campground or similar use, no major recreational equipment shall be utilized for living, housekeeping or similar activities, when parked or stored on any lot within the municipality with jurisdiction

:
(B) The following provisions shall apply to the parking of tractor trailer trucks, commercial vehicles exceeding 26,000 pounds and/or commercial vehicles exceeding twenty (20) feet in length:

- (1) The parking of commercial vehicles within Lower Alsace Township and Mount Penn Borough are further regulated under the provisions of this Joint Zoning Ordinance and the motor vehicle laws adopted by the municipality with jurisdiction.
- (2) Tractor trailer trucks, trailers from a tractor trailer truck, commercial vehicles exceeding 26,000 pounds and/or vehicles exceeding twenty (20) feet in length may park on an approved lot designated for a permitted use within the RC, C-1 and I-1 Zoning Districts, provided that the vehicles are properly licensed, registered and stored in an orderly manner on the lot. No such vehicle should be located within the front yard or within ten (10) feet of the side or rear property line
- (3) No tractor trailer trucks or commercial vehicle having a gross weight of more than 26,000 pounds or in excess of twenty (20) feet in length shall be stored or parked along a public street or on a parcel of land within the RC, R-1, R-2, R-3, R-4 and R-5 Zoning Districts for more than forty-eight (48) consecutive hours over any seven (7) day period. All such vehicles shall comply with all pertinent local, state and federal laws.

Article 9: Signs

Section 901: Statement of Intent

- (A) The purpose of the provisions established under Article 9 of this Joint Zoning Ordinance is to establish specific regulations pertaining to signs for all land uses, zoning districts and conditions within the municipality with jurisdiction. The objectives of these provisions are as follows: to promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech; promote traffic safety; and promote appropriate and efficient use of land.
- (B) The regulations concerning signs, as established under Article 9 of this Joint Zoning Ordinance shall be subject to the interpretation of the municipality with jurisdiction. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

Section 902: General Standards and Requirements for all Signs

- (A) Permits: Unless otherwise specified by this Joint Zoning Ordinance, a permit shall be required for all signs within The municipality with jurisdiction in accordance with the following procedures:
 - (1) One (1) complete permit applications shall be submitted to erect, install, replace, remove and alter signs, as required by the provisions of this Joint Zoning Ordinance. The application shall include the permit fee.
 - (2) The permit application shall contain all information necessary for the Zoning Officer to determine whether the proposed sign conforms with the requirements of this Joint Zoning Ordinance. At a minimum, the following information shall be included:
 - (a) Two (2) copies of the plans and diagrams drawn accurately to scale depicting the dimensions of the lot, cartway, right-of-way and location of the sign.
 - (b) The exact size, dimensions and location of the sign to be placed on the lot or building, together with its type, construction, materials to be used, and the manner of installation.
 - (c) Any other useful information, which may be required of the applicant by the Zoning Officer.
 - (3) The permit application shall be granted or refused within thirty (30) days from the date of completed application.
 - (4) No sign permit shall be issued except in conformity with the regulations of this Joint Zoning Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures for a variance.
- (B) Construction: All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign, which is allowed to become dilapidated or in a state of disrepair may, after thirty (30) days of notification, be removed at the expense of the owner or lessee of the property.
- (C) Location and Placement: All signs shall be located and placed in compliance with the provisions of this Joint Zoning Ordinance. The following requirements shall apply:
 - (1) No sign shall be posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way.
 - (2) Unless otherwise specified, no portion of any freestanding sign shall be located within five (5) feet of the street right-of-way line or within twenty (20) feet of a property line.
 - (3) All traffic control signs, directional signs, traffic signals or other signs, which are located within a street right-of-way shall be permitted by the municipality with jurisdiction or Pennsylvania Department of Transportation.

- (4) No sign shall be located, placed or arranged in any manner that interferes with vehicular traffic, including the obstruction of sight distance.
- (D) **Area:** The area of all signs, which are permitted within the municipality with jurisdiction are specified under Section 903 of this Joint Zoning Ordinance. The following specific provisions shall apply to the area of a sign:
- (1) The area of a sign shall be construed to include all lettering, wording, border trim or framing, 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.
 - (2) Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle, which encompasses all of the letters and symbols used for the sign, regardless of the actual shape created by the letters and symbols.
 - (3) The area of a sign, painted upon or applied to a building, shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.
 - (4) In computing the square foot area of a double-faced sign, only one (1) side of the sign shall be considered as the area of the sign, provided that both faces are identical inside the frame of the sign. In cases where the signs are not parallel or if an interior angle is created to provide visibility, both sides of such sign shall be considered in calculating the sign area. Where double faced signs are permitted to be separated by more than three (3) feet, the area of both sides of the sign shall be calculated as part of the total area.
- (E) **Height.** The height of all signs, which are permitted within the municipality with jurisdiction are specified under Section 903 of this Joint Zoning Ordinance. The following specific provisions shall apply to the height of a sign.
- (1) The height of a sign shall be measured from the average elevation of the ground or finished grade to the highest point of the sign.
 - (2) Unless otherwise specified or permitted by this Joint Zoning Ordinance, the maximum height of any sign shall be twenty (20) feet.
 - (3) Unless otherwise permitted by this Joint Zoning Ordinance, no sign that is a part of or is supported by a building shall be erected, placed or displayed upon the roof of such building, nor shall such sign extend above the height of the building.
 - (4) Where the provisions for sign height specified under this Joint Zoning Ordinance do not apply, the Zoning Officer in conjunction with the Zoning Hearing Board may consider a reasonable resolution or remedy.
- (F) **Clearance, Visibility and Sight Distance:** The following minimum requirements shall apply to the ground clearance, visibility and sight distance for all permitted signs within the municipality with jurisdiction.
- (1) All freestanding signs, which are located within twenty (20) feet of a street right-of-way line shall have at least seven (7) feet of clear space between such sign and the average ground elevation. However, the necessary support structures may extend through such open space.
 - (2) Ground signs shall be located at least ten (10) feet from the street right-of-way line.
 - (3) No ground or freestanding sign shall be located within the clear sight triangle of a street intersection. The provisions for establishing the clear sight triangle are specified under Section 908 of this Ordinance.
 - (4) The minimum sight distance requirements for pedestrians and vehicles shall be considered and applied to all permit applications involving signs.
- (G) **Projection.** An on-premises projecting sign, which is mounted upon a building so that its principal face is a right angle or perpendicular to the wall of the building may be permitted, subject to the following provisions:

- (1) All such projecting signs shall extend at least one (1) foot from the building but no more than ten (10) feet from the building.
 - (2) No sign shall project outward or perpendicular from the face of a building, whereas there is an open area between the ground and the sky.
 - (3) The minimum height of a projecting sign shall be at least eight (8) feet from the average ground elevation and no higher than twenty (20) feet above the average ground elevation.
 - (4) The maximum area of all projecting signs shall be twenty (20) square feet, as measured on a single side of the projecting sign. Double-faced projecting signs may be permitted for the same use.
- (H) Maximum Number of Signs: The maximum number of on-premises signs for a use on a single lot is specified under Section 903 of this Joint Zoning Ordinance. Where multiple uses are contained on a single property, a freestanding sign may be permitted provided it conforms with the provisions of this Joint Zoning Ordinance.
- (I) Illumination. The following provisions shall apply to the illumination of signs within The municipality with jurisdiction:
- (1) Unless otherwise specified within this Joint Zoning Ordinance, signs may be illuminated by direct and non-glaring lighting, provided that such lighting is shielded so no direct light will shine on abutting properties or obstruct the vision of motorists or pedestrians within a street right-of-way.
 - (2) The use of red, green or amber lights on any sign within 200 feet of a street intersection shall be prohibited.
 - (3) The use of flashing, transmitted video, or other similar lighting features for signs shall be prohibited.
 - (4) The use of intermittent, animated or transmitted visual message signs may be permitted in the C-1 and I-1 Zoning Districts. The message display area or screen of such signs shall not change more than four (4) times per minute. All such signs shall not be located within ten (10) feet of a street right-of-way line and two hundred (200) feet from the RC, R-1, R-2, R-3 and R-4 Zoning Districts.
 - (5) The use of illuminated signs within the RC, R-1, R-2, R-3 and R-4 Zoning Districts shall be prohibited unless the illuminated sign is specifically related to emergency management uses, medical facilities, municipal uses, institutional uses, and other similar uses considered appropriate by the Zoning Officer.
- (J) Double Faced Signs: Any permitted sign may be constructed and installed as a double-faced sign, provided that: it has two parallel surfaces contained within a common frame; the signs are directly opposite from each other; the signs match in size and shape; and are not over three (3) feet apart. All such signs shall be considered as one (1) sign and only one face of one (1) side of the signs shall be used to calculate the total size of the sign. Should the two surfaces deviate from being parallel or should they differ in size or shape, the sign shall be considered as two (2) signs.
- (K) Supplementary Sign Regulations for all Zoning Districts: The following supplementary sign regulations shall apply to all zoning districts within The municipality with jurisdiction:
- (1) Real estate signs for the selling, renting or leasing of residential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed six (6) square feet; the spacing of such signs shall be at least two hundred (200) feet apart on the same lot or property; the sign shall be located at least five (5) feet from the street right-of-way line and all other property lines; no more than two (2) signs shall be permitted for each property being sold; and the sign shall be removed within seven (7) days after the final transaction is completed.
 - (2) Real estate signs for the selling, renting or leasing of non-residential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed thirty-two (32) square feet; the spacing of such signs shall be at least 200 feet apart on the same lot or property; the sign shall be located at least five (5) feet from the street right-of-way line and twenty (20) feet from all other property lines; and the sign shall be removed within seven (7) days after the final transaction is completed.

- (3) Property control or restriction signs shall be permitted subject to the following conditions; the area of the sign shall not exceed two (2) square feet; the spacing of such signs shall be at least one hundred (100) feet apart on the same lot or property; and the sign does not contain any personal message, which is considered irrelevant to controlling or restricting the use of a property or lot.
 - (4) Temporary signs may be permitted provided they are not considered permanent and they comply with the provisions established under this Joint Zoning Ordinance.
 - (5) Special event or promotional signs may be permitted provided they are not considered permanent and they comply with the provisions established under this Joint Zoning Ordinance.
 - (6) Special use signs may be permitted provided they are not considered permanent and they comply with the provisions established under this Joint Zoning Ordinance.
- (L) **Traffic Control and Directional Signs:** Unless otherwise permitted by the municipality with jurisdiction or the Pennsylvania Department of Transportation, all traffic control signs and directional signs shall conform with the following:
- (1) Traffic control and directional signs located within the street right-of-way shall be subject to the review and approval of the municipality with jurisdiction and/or the Pennsylvania Department of Transportation. The location, size, type, height, spacing and quantity of the sign (s) shall be stipulated on the permit, as issued by the municipality with jurisdiction and/or the Pennsylvania Department of Transportation.
 - (2) Traffic control and directional signs located outside the street right-of-way within a lot or on private property shall be subject to the review and approval of the municipality with jurisdiction. All such signs shall be located at least two (2) feet from the street right-of-way and ten (10) feet from all other property lines. The maximum number of signs as well as the maximum height and size of each sign are specified under Section 903 of this Joint Zoning Ordinance.
- (M) **Political Signs:** Political signs, being signs erected in conjunction with a political election, naming a candidate or slate of candidates for a primary or general election or referencing a position in support of or opposition to an issue placed in referendum, shall be installed so as to comply with the following requirements:
- (1) Political signs shall not be placed in the right-of-way of any road and shall be placed only on properties with the property owner's permission.
 - (2) Political signs may be posted thirty (30) calendar days prior to the date of the election.
 - (3) Political signs must be removed within five (5) days following the election.
- (N) **Removal of Signs:** On-premises signs and off-premises signs that are no longer utilized for the original intent or use shall be removed from the site or changed to accommodate a new sign for the new use within thirty (30) days of occupancy by the new use. All replacement signs shall conform with the provisions specified under this Joint Zoning Ordinance. Upon the removal of any sign, whether temporary or permanent, such removal shall include all associated support including the posts, poles, brackets, arms, trailers and other support mechanisms.

Section 903: Summarization Chart for Categorical Sign Requirements

- (A) Matrix Chart 12 on the following pages summarizes the categorical sign requirements by type, quantity, height, area, location and permit procedures for each use within the municipality with jurisdiction. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 12, the provisions contained within the text shall prevail.
- (B) The provisions specified within this matrix chart shall be subject to the interpretation of the Zoning Officer.
- (C) Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

SUMMARY CHART FOR CATEGORICAL SIGN REQUIREMENTS (SUUPPLEMENTAL MATRIX CHART 12)

Use	Type of Sign	Maximum Number	Maximum Height	Maximum Size or Sign Area	Setback Requirements		Permitted Zoning Districts	Permit Required
					ROW	Property Line		
Permanent On-Premises Residential Signs	Individual Name and Street Address	1	10 feet	4 square feet	----	5 feet	All Districts	No
	Property Control or Restrictions Sign	1 per 100 linear feet	10 feet	2 square feet	2 feet	2 feet	All Districts	No
	Home Occupation Sign	1	10 feet	4 square feet	2 feet	5 feet	All Districts	Yes
	Subdivision or Development Sign containing 20 or more units	2 per main entrance	10 feet	30 square feet	5 feet	10 feet	All Districts	Yes
Permanent On-Premises Commercial or Industrial Signs	Freestanding Sign or Ground Sign for a Non-Residential Use with less than 10,000 square feet of GFA.	1	20 feet	50 square feet	5 feet	10 feet	C-1, C-2 and I-1	Yes
			8 feet	50 square feet	10 feet	10 feet	C-1, C-2 and I-1	Yes
	Freestanding Sign or Ground Sign for a Non-Residential Use with more than 10,000 square feet of GFA	1	20 feet	100 square feet	5 feet	10 feet	C-1, C-2 and I-1	Yes
			8 feet	100 square feet	10 feet	10 feet	C-1, C-2 and I-1	Yes
	Freestanding Sign or Ground Sign for Non-Residential Uses with more than 10,000 square feet of GFA with 2 or more principal uses.	1 per street frontage	20 feet	150 cumulative square feet for all uses	5 feet	20 feet	C-1, C-2 and I-1	Yes
			8 feet	150 cumulative square feet for all uses	10 feet	20 feet	C-1, C-2 and I-1	Yes
	Wall or Parallel Sign	8	30 feet, or to permitted building height	20% of building face; max. 200 cum. sq. ft. on one designated side	----	----	C-1, C-2 and I-1	Yes
	Projecting Sign	1	20 feet	12 square feet	----	----	C-1, C-2 and I-1	Yes
	Window Sign	----	20 feet	50% of cumulative front window space	----	----	C-1, C-2 and I-1	No
	Directional or Traffic Control Sign	6 per acre	10 feet	6 square feet per sign	----	10 feet	C-1, C-2 and I-1	Yes
Permanent Off-Site Advertising Sign / Billboard	Freestanding Advertising Sign or Billboard within the I-1 Zoning District	1 per 1,500 linear feet	30 feet	250 square feet	10 feet	30 feet	I-1	Yes

SUMMARY CHART FOR CATEGORICAL SIGN REQUIREMENTS (SUUPPLEMENTAL MATRIX CHART 12)

Use	Type of Sign	Maximum Number	Maximum Height	Maximum Size or Sign Area	Setback Requirements		Permitted Zoning Districts	Permit Required
					ROW	Property Line		
Permanent On-Premises Municipal, Governmental, Recreational, Institutional and other Uses	Freestanding Sign for Single Use or Ground Sign for a Single Use	1 per street frontage	20 feet	50 square feet	5 feet	10 feet	All Districts	Yes
			8 feet	50 square feet	10 feet	10 feet	All Districts	Yes
	Wall or Parallel Sign	6	30 feet, or to permitted building height	20% of building face; max. 50 cum. sq. ft. on one designated side	----	----	All Districts	Yes
	Projecting Sign	1	20 feet	20 square feet	----	----	All Districts	Yes
	Directional or Traffic Control Sign	4 per acre	10 feet	4 square feet per sign	----	5 feet	All Districts	Yes
Agricultural Uses	Produce Sales or Identification Sign	1	10 feet	12 square feet	5 feet	10 feet	All Districts	Yes
Temporary On-Premises Signs	Subdivision or Development Sign	1	10 feet	32 square feet	5 feet	10 feet	All Districts	Yes
	Contractor and Financing Sign	1	10 feet	32 square feet	5 feet	10 feet	All Districts	Yes
	Real Estate and Marketing Sign	1	10 feet	32 square feet	5 feet	10 feet	All Districts	No
	Special Event Sign	1	10 feet	32 square feet	5 feet	10 feet	All Districts	No

General Notes concerning the Summary Chart for Categorical Sign Requirements

- (1) The matrix chart provides an abbreviated summary of the basic sign requirements for certain uses and activities within the municipality with jurisdiction. Additional land use and development requirements may apply. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Summary Matrix Chart for Categorical Sign Requirements, the provisions contained within the text shall prevail.
- (2) Where a discrepancy should exist between the provisions contained within the text portion of the Joint Zoning Ordinance and the provisions contained within Summary Matrix Chart for Categorical Sign Requirements, the provisions contained within the text portion of the Joint Zoning Ordinance shall prevail.
- (3) The provisions specified within this matrix chart shall be subject to the interpretation of the Zoning Officer.

Section 904: Sign Requirements for Residential Uses

- (A) An individual nameplate or street address sign may be posted on any residential lot provided it does not exceed four (4) square feet in area. All such signs shall not be located within the street right-of-way and within five (5) feet from all other property lines.
- (B) Property control and restrictions signs including “no trespassing”, “no hunting”, “no solicitation”, and other similar signs may be permitted subject to the following conditions; the area of the sign shall not exceed two (2) square feet; the spacing of such signs shall be at least one hundred (100) feet apart on the same lot or property; and the sign does not contain any personal message, which is considered irrelevant to controlling or restricting the use of a property or lot.
- (C) Home occupation signs displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling subject to the following conditions:
 - (1) No more than one (1) such sign shall be erected for each permitted use or dwelling.
 - (2) The area of such sign shall not exceed four (4) square feet.
 - (3) The sign shall not be illuminated.
 - (4) The height of the sign shall not exceed a height of ten (10) above the average ground elevation.
 - (5) The sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within the street right-of-way or five (5) feet from any other property line.
- (D) Residential developments containing a total of twenty (20) or more residential units may provide a sign for the purposes of identifying the name of the development subject to the following criteria:
 - (1) The signs shall be limited to two (2) freestanding or ground signs per entrance to the development.
 - (2) The maximum size of the sign shall be thirty (30) square feet per sign.
 - (3) The maximum height of a freestanding sign shall be ten (10) feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
 - (4) Any wall or fence structure, which supports such signs may not exceed ten (10) feet in height or a maximum of one hundred (100) square feet in area.
 - (5) The sign shall be located at least five (5) feet from the street right-of-way line, twenty (20) feet from all other property lines and shall not be located in the clear sight triangle, as established under Section 908 of this Joint Zoning Ordinance. The final location of such signs shall be approved by the Zoning Officer prior to the issuance of a sign permit.
 - (6) Prior to the issuance of a sign permit, the applicant shall provide sufficient evidence to the Zoning Officer that adequate measures have been taken to ensure proper maintenance of the sign and any accompanying landscaping, and that the sign will be durably constructed as to require minimal maintenance.
 - (7) The illumination of such signs may be permitted provided that t down-lighting is utilized with low intensity lighting, which is less than 100 watts and is located in a manner so that glare or reflection is not greater than 0.1 footcandle at the street right-of-way line.
- (E) Directional signs may be permitted provided they are utilized within the interior of a residential development, are limited to one (1) directional sign per street, and do not exceed four (4) square feet in size.

Section 905: Sign Requirements for Non-Residential Uses

- (A) The maximum number of on-premises signs for a non-residential use shall be limited to the following:
- (1) No more than one (1) ground sign or freestanding sign shall be permitted.
 - (2) No more than eight (8) wall or parallel signs shall be permitted, which shall not exceed two hundred (200) cumulative square feet or occupy more than twenty (20) percent of the front building facade, whichever is less.
 - (3) No more than one (1) projecting sign shall be permitted.
 - (4) Unless otherwise directed by the municipality with jurisdiction, no more than six (6) directional or accessory signs shall be permitted per acre.
- (B) A freestanding or ground sign may be permitted for all non-residential uses and developments, subject to the provisions specified under Section 903 of this Joint Zoning Ordinance. In addition to those requirements, the following provisions shall apply:
- (1) A non-residential use containing less than 10,000 square feet of gross floor area may have one (1) freestanding or ground sign. The area of the sign shall not exceed fifty (50) square feet and shall meet the following criteria:
 - (a) A freestanding sign shall be located at least five (5) feet from the street right-of-way line and thirty (30) feet from all other property lines. The maximum height of a freestanding sign shall be no less than seven (7) feet and no more than twenty (20) feet, as measured from the average ground elevation.
 - (b) A ground sign may be permitted in lieu of a freestanding sign provided that it is located at least ten (10) feet from the street right-of-way line and thirty (30) feet from all other property lines. The maximum height of a ground sign shall be no more than eight (8) feet, as measured from the average ground elevation. Any wall or fence structure, which supports such signs may not exceed eight (8) feet in height or a maximum of two hundred (200) square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
 - (c) The freestanding or ground sign may identify the name of the development as well as any individual permitted uses contained within the development provided it is constructed as a single component with the ability to be changed at any time.
 - (2) A non-residential use containing more than 10,000 square feet of gross floor area may have one (1) freestanding or ground sign. The area of the sign shall not exceed one hundred (100) square feet and shall meet the following criteria:
 - (a) The freestanding sign shall be located at least five (5) feet from the street right-of-way line and thirty (30) feet from all other property lines. The height of all such freestanding signs shall be no less than seven (7) feet and no more than twenty (20) feet, as measured from the average ground elevation.
 - (b) A ground sign may be permitted in lieu of a freestanding sign provided that it is located at least ten (10) feet from the street right-of-way line and thirty (30) feet from all other property lines. The maximum height of a ground sign shall be no more than eight (8) feet, as measured from the average ground elevation. Any wall or fence structure, which supports such signs may not exceed eight (8) feet in height or a maximum of two hundred (200) square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
 - (c) The freestanding or ground sign may identify the name of the development as well as any individual permitted uses contained within the development provided it is constructed as a single component with the ability to be changed at any time.

- (3) A non-residential development containing more than 10,000 square feet of cumulative gross floor area and more than two (2) principal uses located on the same lot within the development shall not exceed one hundred and fifty (150) cumulative square feet and shall meet the following criteria:
- (a) The freestanding sign shall be located at least five (5) feet from the street right-of-way line and thirty (30) feet from all other property lines. The height of all such freestanding signs shall be no less than seven (7) feet and no more than twenty (20) feet, as measured from the average ground elevation.
 - (b) A ground sign may be permitted in lieu of a freestanding sign provided that it is located at least ten (10) feet from the street right-of-way line and thirty (30) feet from all other property lines. The maximum height of a ground sign shall be no more than eight (8) feet, as measured from the average ground elevation. Any wall or fence structure, which supports such signs may not exceed eight (8) feet in height or a maximum of one hundred sixty (160) square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
 - (c) The area of the sign shall not exceed one hundred and fifty (150) cumulative square feet for all uses. The total number of individual advertisements on any such sign shall be limited to six (6) per side.
- (4) A shopping center or shopping mall containing multiple non-residential uses with more than 10,000 square feet of cumulative gross floor within the development shall not exceed one hundred and fifty (150) cumulative square feet and shall meet the following criteria:
- (a) The freestanding sign shall be located at least five (5) feet from the street right-of-way line and thirty (30) feet from all other property lines. The height of all such freestanding signs shall be no less than seven (7) feet and no more than twenty (20) feet, as measured from the average ground elevation.
 - (b) A ground sign may be permitted in lieu of a freestanding sign provided that it is located at least ten (10) feet from the street right-of-way line and thirty (30) feet from all other property lines. The maximum height of a ground sign shall be no more than eight (8) feet, as measured from the average ground elevation. Any wall or fence structure, which supports such signs may not exceed eight (8) feet in height or a maximum of one hundred sixty (160) square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
 - (c) The area of the sign shall not exceed one hundred and fifty (150) cumulative square feet for all uses. The total number of individual advertisements on any such sign shall be limited to six (6) per side.
- (5) All other individual non-residential uses may have one (1) freestanding or ground sign, subject to the provisions specified under Section 903 of this Joint Zoning Ordinance.
- (C) Non-residential uses within the C-1, C-2 and I-1 Zoning Districts may utilize illuminated or animated signs that transmit video messages to be displayed on screen provided that such signs shall not change more than four (4) times per minute. All such signs shall not be located within ten (10) feet of a street right-of-way line and two hundred (200) feet from the RC, R-1, R-2, R-3, R-4 and R-5 Zoning Districts.
- (D) A municipal, governmental, recreational or institutional use may have one (1) freestanding or ground sign for the purposes of displaying the name of the use and its activities or services, provided that the area of any such sign shall not exceed fifty (50) square feet and not more than one (1) sign for each street that the use has more than three hundred (300) feet of frontage. All other pertinent sign requirements for municipal, governmental, recreational or institutional uses, as defined and specified under this Joint Zoning Ordinance shall apply.
- (E) An agricultural use, as further defined and outlined under Section 804 of this Joint Zoning Ordinance, may have one (1) freestanding or ground sign for the purposes of displaying the name of the use and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet. All other pertinent sign requirements for agricultural uses, as specified under Section 903 of this Joint Zoning Ordinance shall apply.

Section 906: Off-Premises Advertising Signs or Billboards

- (A) Off-premises advertising signs or billboards, as defined by this Joint Zoning Ordinance are permitted by special exception within the I-1 Zoning District.
- (B) All off-premises advertising signs or billboards shall not exceed two hundred and fifty (250) square feet. The spacing of such signs shall be at least 1,500 linear feet apart from another off-premises advertising sign or billboard on the same side of the road.
- (C) All off-premises advertising signs or billboards shall be located to comply with the following requirements for setback, separation distance, height and arrangement:
 - (1) Off-premises advertising signs or billboards shall be located at least ten (10) feet from the street right-of-way line and no further than one hundred (100) feet from the street right-of-way line, as measured on the same side of the street to which the off-premises advertising sign or billboard is located.
 - (2) Off-premises advertising signs or billboards shall be located at least thirty (30) feet from all other property lines.
 - (3) Off-premises advertising signs or billboards shall be located at least five hundred (500) feet from the center of the nearest street intersection or interchange.
 - (4) The maximum height of all such off-premises advertising signs or billboards shall be no less than twenty (20) feet to the bottom edge of the sign and no more than forty (40) feet to the top edge of the sign, as measured from the average ground elevation.
 - (5) When two (2) off-premises advertising signs or billboards are located and orientated in the same direction, the maximum cumulative surface area of the signs shall not exceed six hundred and seventy-two (672) square feet and shall not exceed a height of forty (40) feet.
 - (6) When two (2) off-premises advertising surface signs or billboards are orientated in a back-to-back arrangement, they shall be parallel and directly opposite from each other and shall not be spaced by more than eight (8) feet. The size and shape of the signs should not deviate from each other and they shall utilize the same support structure.
 - (7) When two (2) off-premises advertising surface signs or billboards are orientated in a V-type arrangement, they shall be at least fifteen (15) feet apart at the mid-point distance nor shall the interior angles be greater than forty-five (45) degrees. The size and shape of the signs should not deviate from each other and they shall utilize the same support structure.
 - (8) No off-premises advertising sign or billboard shall be located in any manner that disrupts or distracts the operator of a motor vehicle.
- (D) All off-premises advertising signs or billboards shall be located to comply with the following design requirements:
 - (1) All off-premises advertising sign or billboard shall be designed, located and constructed in accordance with all local and state codes. As part of this requirement, all permit applications shall include signed and sealed plans from a licensed engineer within the Commonwealth of Pennsylvania.
 - (2) All off-premises advertising signs or billboards shall be constructed and erected on a steel unipole or steel I-beams meeting the minimum standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising.
 - (3) The support structures for all off-premises advertising signs or billboards shall be constructed and erected on permanent footings, as determined by the licensed engineer responsible for the permit application.
 - (4) No off-premises advertising sign or billboard shall be constructed and erected that resembles any official marker, logo and/or insignia of any governmental entity or other organization without written consent.

- (5) The off-premises advertising sign or billboard shall not contain vulgar messages or depict any lewd, pornographic, lascivious or other offensive acts.
 - (6) The off-premises advertising sign or billboard shall be maintained and inspected by the applicant of the permit on a regular basis, but shall not exceed a period of time of more than thirty (30) days. As part of this requirement, the applicant shall inspect the following: the support structure to determine if is sound and in good repair; the lighting to determine if it operating sufficiently; the display area to determine if is in good condition and free of graffiti; the area within the lease area to determine if it is clear of overgrown vegetation, debris, trash and other unsightly materials; and all other items that should be inspected periodically, as determined appropriate by the Zoning Officer.
- (E) All off-premises advertising signs or billboards shall be located to comply with the following lighting, display and illumination requirements:
- (1) All off-premises advertising signs or billboards may be illuminated provided that such illumination is directed towards the sign and shielded so as to prevent the illumination from being directed towards the street or any adjacent properties. Downward illumination or night-friendly illumination is encouraged.
 - (2) Off-premises advertising signs or billboards containing flashing, intermittent, oscillating, reflective and/or moving lighting features shall be prohibited.
 - (3) Off-premises advertising signs or billboards may incorporate features to provide electronic message displays such as the time, date, temperature, weather and similar information provided it does not disrupt or distract the operator of a motor vehicle.
 - (4) Off-premises advertising signs or billboards may incorporate a timed or electronic display change, whereas the display of the sign may change to another sign within a specified period of time. All such signs may be considered provided the message does not change more than four (4) times per minute and it does not disrupt or distract the operator of a motor vehicle.
 - (5) The provision for exterior lighting, as specified under Section 919 of this Joint Zoning Ordinance shall also apply to the illumination off-premises advertising signs or billboards.
- (F) If a special exception is granted by the Zoning Hearing Board, the off-premises advertising sign or billboard shall be located to comply with the following permit requirements:
- (1) The applicant shall submit a written agreement with the permit application indicating that the owner of the property has agreed to lease the property to the commercial sign or advertising company and has approved the proposed display or message contained on the off-premises advertising sign or billboard.
 - (2) Three (3) complete permit applications shall be submitted to the municipality with jurisdiction, as required by the provisions of this Joint Zoning Ordinance. The permit application shall include the required permit fee.
 - (3) The permit application shall contain the following information: three (3) copies of the plans and diagrams drawn accurately to scale depicting the dimensions of the lot, cartway, right-of-way, location of the sign; the exact size, dimensions and location of the off-premises sign or billboard to be placed on the lot or building, together with its type, construction, materials to be used, support structures, and the manner of installation; and any other useful information, which may be required by The municipality with jurisdiction.
 - (4) The completed permit application, plans and support diagrams shall be signed and sealed by a licensed engineer within the Commonwealth of Pennsylvania.
 - (5) The permit application shall be granted or refused within sixty (60) days from the date that the special exception application was approved by the Zoning Hearing Board.
 - (6) Upon securing the local permit from the municipality with jurisdiction, the applicant shall be responsible for applying for all necessary permits through the Pennsylvania Department of Transportation. The applicant

shall be responsible for providing the municipality with jurisdiction with a copy of the permit issued by the Pennsylvania Department of Transportation.

- (G) In addition to the provisions established herewith, the applicant and property owner for all off-premises advertising signs or billboards shall comply with all other pertinent provisions, as established by the municipality with jurisdiction.

Section 907: Special Use Signs, Temporary Signs and Promotional Signs

- (A) The following provisions shall apply to special use and temporary signs within the municipality with jurisdiction:
- (1) Temporary signs announcing a campaign, drive or event of a civic, municipal, philanthropic, educational, institutional, religious, or similar organization, provided the following criteria apply: the sign shall not exceed thirty-two (32) square feet in area; no more than two (2) signs shall be permitted; the signs may be erected for a period not to exceed 30 days in any calendar year; the sign shall be removed within seven (7) days after the commencement of the campaign, drive or event.
 - (2) Temporary signs for a yard sale or garage sale provided the following conditions shall apply: the sign shall not exceed four (4) square feet in area; no more than four (4) signs shall be permitted; the signs may be erected for a period not to exceed 30 days in any calendar year; the sign shall be removed within twenty-four (24) hours after the commencement of the campaign, drive or event.
 - (3) Temporary signs for contractors, developers, architects, engineers, builders, financiers and artisans may be permitted on the premises where the work is being performed, provided that the following criteria apply: the sign shall not exceed thirty-two (32) square feet; the sign shall not be illuminated; no more than three (3) signs shall be permitted for each street the project area or development has more than 300 feet of frontage; the sign shall not exceed 20 feet in height; and provided that all such signs shall be removed within seven (7) days upon completion of the work.
 - (4) Real estate signs for the selling, renting or leasing of residential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed six (6) square feet; the spacing of such signs shall be at least two hundred (200) feet apart on the same lot or property; the sign shall be located at least five (5) feet from the street right-of-way line; and the sign shall be removed within seven (7) days after the final transaction.
 - (5) Political signs, being signs erected in conjunction with a political election, naming a candidate or slate of candidates for a primary or general election or referencing a position in support of or opposition to an issue placed in referendum, shall be installed so as to comply with the Pennsylvania Election Code and all other requirements of the municipality with jurisdiction.
 - (6) Business and advertising signs located within a sports facility or venue subject to the following criteria: the signs shall be located within the permitted sports facility or venue such as a football stadium, little league baseball field or similar playing field owned or operated by a not-for-profit organization or entity organized to promote youth sports teams; the non-profit organization or entity is recognized and authorized in writing as such by the appropriate state and federal agencies; no more than one (1) sign measuring a maximum of thirty-two (32) square feet in area shall be permitted for each fifty (50) square feet of playing field or ground floor stadium area; all such signs shall be made of wood, plastic or metal; and all such signs may be located only on walls, fences, and scoreboards, but shall not be mounted on light poles, roofs or other freestanding surfaces.
- (B) The following provisions shall apply to special event or seasonal signs for an existing non-residential use located within a non-residential district, including signs, banners, flags, balloons, floodlights and other similar features:
- (1) The maximum size of a special event sign shall be thirty-two (32) square feet. In the case of more than one (1) sign, the combined area of all signs shall be no more than twenty-four (24) square feet.
 - (2) No portion of a ground-mounted sign used to advertise a special event shall exceed the height of fifty (50) inches. Any banner or wall sign used to advertise a special event shall not extend above the roofline of the building upon which the sign is displayed.

- (3) A special event sign shall be fastened securely. Ground signs shall be anchored with a metal pipe or other secure support. Hanging signs shall be secured and not allowed to flap or sag.
 - (4) All seasonal signs must be maintained in accordance with the provisions of this Joint Zoning Ordinance.
 - (5) The sign shall not obstruct the vision or sight distance of the operator of any vehicle or interfere with normal pedestrian movements. In no case shall the sign be located within the street right-of-way. A plot plan showing the location of any special event sign must accompany each permit application.
 - (6) The special event sign may be two-sided with different advertisement displays on either side.
 - (7) The special event sign shall not contain flashing messages as part of the display.
 - (8) No such sign shall remain in place or otherwise be displayed for more than thirty (30) days per event or season, and no person shall exhibit any such sign for more than a total of seventy-five (75) days during any calendar year.
 - (9) The use of spot lights, floodlights and other similar promotional features may be utilized provided they comply with the following provisions: they shall not be utilized on the property for more than thirty (30) consecutive days or more than seventy-five (75) cumulative days in any calendar year; they shall be located at least twenty (20) feet from the street right-of-way line and twenty (20) feet from the property line; they shall be well maintained; and they shall not disrupt vehicular or pedestrian traffic along any public street right-of-way.
 - (10) The use of banners, flags, balloons and similar promotional features may be utilized provided they comply with the following provisions: they shall not be utilized on the property for more than 30 consecutive days or more than seventy-five (75) cumulative days in any calendar year; they shall not be located more than sixty (60) feet in the air, as measured for the average ground elevation where the balloons are permitted; the minimum setback or fall zone to any street right-of-way line or property line shall be one (1) horizontal foot to one (1) vertical foot considering the height of the balloon; they shall be well maintained; and they shall not disrupt vehicular or pedestrian traffic along any public street right-of-way.
 - (11) A special event sign permit shall be required for each sign used to advertise any special event during any calendar year. The property owner, or lessee with the owner's permission, may make one permit application establishing all dates, times and the duration of each separate special event sign proposed to be displayed during a calendar year, or may make separate applications for each such event, providing the total does not exceed the maximum seventy-five (75) day limit.
 - (12) The permit applicant shall pay the fee established by resolution of the Board of Supervisors. The special event sign permit shall be subject to the review and approval of the municipality with jurisdiction.
- (C) The following provisions shall apply to grand opening and promotional signs for a new non-residential use located within a non-residential zoning district, including signs, banners, flags, balloons, floodlights and other similar promotional features:
- (1) The commercial use of promotional signs and features shall be limited to the first thirty (30) days after the initial occupancy permit is issued for the non-residential use.
 - (2) The maximum area of a promotional sign shall be limited to two (2) signs, which shall not exceed thirty-two (32) square feet per sign. The promotional signs shall be located at least ten (10) feet from the street right-of-way line and twenty (20) feet from all other property lines.
 - (3) All promotional banners, flags, balloons, spot lights, floodlights and other permitted promotional features shall be located at least five (5) feet from the street right-of-way line and twenty (20) feet from the property line.
 - (4) No other promotional features other than the balloons shall exceed the height of the roofline.

- (5) The promotional signs banners, flags, balloons, spot lights, floodlights and other similar promotional features shall not disrupt vehicular or pedestrian traffic along any public street right-of-way.
- (D) The following provisions shall apply to banners, which are hung and displayed across public street rights-of-way to promote community based events including civic, municipal, charitable, philanthropic, educational, institutional, religious, or similar non-profit organizations:
 - (1) The applicant must complete and submit a permit to the municipality with jurisdiction at least sixty (60) days prior to the desired date of hanging a banner over a public street or way. The banner(s) may be hung and displayed as set forth by the provisions established within this section of this Joint Zoning Ordinance.
 - (2) The hanging of banners must be in complete conformance with the application, as submitted to the municipality with jurisdiction and as finally approved by the municipality with jurisdiction.
 - (3) The hanging of banners is the sole responsibility of the applicant.
 - (4) No banner may hang lower than 16 feet over the street or public way.
 - (5) Unless otherwise approved by the municipality with jurisdiction, no more than eight (8) banners may be displayed over any particular street or public way.
 - (6) Banners may not be hung more than thirty (30) days prior to the date of the event being advertised and must be removed no later than seven (7) days after the conclusion of the event being advertised.
 - (7) Banners, which are not removed within seven (7) days after the advertised event has concluded shall be removed by the applicant shall be liable for the actual cost of removal.
 - (8) Banners hung across streets and other rights-of-way without proper approval or authorization shall be removed by the responsible person(s) shall be liable for the cost of removal.
 - (9) The applicant shall assume all liability and responsibility for the display of the banners.

Section 908: Nonconforming Signs and Abandoned Signs

- (A) Signs existing at the date of enactment of this Joint Zoning Ordinance, which do not conform to the requirements of this Joint Zoning Ordinance shall be considered nonconforming signs and subject to the following provisions:
 - (1) Any sign, which is considered nonconforming based upon its location, height, clearance, visibility, projection, quantity and illumination shall only be replaced with a conforming sign.
 - (2) Any sign, which is considered nonconforming based upon its surface area shall only be replaced by a conforming sign or a sign that is twenty-five (25) percent less than the surface area of the original nonconforming sign.
 - (3) Nonconforming signs may be repaired and/or repainted provided that the modifications do not exceed the dimensions of the existing sign or create any further nonconformities.
- (B) A sign shall be considered to be abandoned if the following conditions apply: a sign erected on a property for a specific use, which becomes vacant and unoccupied for a period of one (1) year or more; any sign which was previously erected for a prior occupant or business; or any sign which relates to a time, event or purpose which is considered a past event. The following provisions shall apply to signs, which are considered “abandoned signs” within The municipality with jurisdiction:
 - (1) No person shall maintain or permit to be maintained on any premises owned or controlled by that person a sign, which has been abandoned.
 - (2) An abandoned sign shall be removed by the landowner or person controlling the property within thirty (30) days of the abandonment as described by this Joint Zoning Ordinance.

- (C) Upon the removal of any nonconforming sign or abandoned sign, whether temporary or permanent, such removal shall include all associated structures associated with the sign including, but not limited to, posts, poles, brackets, arms, trailers and supports.

Section 909: Prohibited Signs

- (A) The following signs shall be considered as prohibited signs, which shall not be permitted within The municipality with jurisdiction:
- (1) Spinning, animated, twirling or any other moving objects used for commercial advertising purposes with or without a message, whereas the spinning, animation and/or twirling occurs in intervals of less than fifteen (15) seconds or one (1) complete rotation within a fifteen (15) second interval during any time of the day.
 - (2) Flashing, blinking, twinkling, animated or other message changing devices used for commercial advertising purposes, whereas the flashing, blinking, twinkling, animation and/or message changing occurs in interval of less than fifteen (15) seconds during any given time of the day. Signs indicating the time and temperature may be permitted, provided that the message or display does not change in intervals of less than fifteen (15) seconds during any given time of the day.
 - (3) Signs placed, inscribed or supported upon the highest roofline or upon any structure, which extends above the highest roofline of any building.
 - (4) Wall signs that partially extend above the roofline.
 - (5) Roof signs, which are erected on top of a principal or accessory building.
 - (6) Artistic murals, depicting scenic, historical, cultural, educational, or other similar visual scenes, may be painted on the side of a building, provided they are aesthetic, socially acceptable, unless the content has been reviewed and approved by the municipality with jurisdiction.
 - (7) Balloons, streamers, banners and promotion signs, exceeding the provisions of Section 907 of this Joint Zoning Ordinance.
 - (8) Portable signs utilized or displayed for more than 48 cumulative hours over any 30 consecutive day period of time.
 - (9) Signs located on parked vehicles within twenty (20) feet of the street right-of-way for a period of time exceeding seventy-two (72) cumulative hours over any seven (7) day time period. All such signs shall not be considered as a permitted off-premises advertising signs or billboards and shall be prohibited.
 - (10) Signs located on parked vehicles, which are owned or leased to the company for which the business or use applies, may park at any permitted site provided that provisional spaces on the vehicle are not offered to promote other uses or events.
 - (11) Signs containing vulgar messages or depicting any lewd, pornographic, lascivious or other offensive acts.
 - (12) Any sign exceeding the provisions for location, placement, type, area, height, clearance, visibility, sight distance, projection, quantity and illumination, as specified within the municipality with jurisdiction.
 - (13) Caution tape or crime scene tape that is not utilized for emergency management purposes.
 - (14) Signs considered as a detriment to the health, safety and/or general welfare of the community shall be prohibited in the municipality with jurisdiction.

Article 10: Nonconformities

Section 1001: Statement of Intent

- (A) The purpose and objective of the provisions established under Article 10 of this Joint Zoning Ordinance is to establish specific regulations pertaining to nonconforming uses, lots, land areas, building and/or structures.
- (B) Through the enactment of this Joint Zoning Ordinance, there exists or will exist certain nonconformities which, if lawful before this Joint Zoning Ordinance was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Joint Zoning Ordinance or future amendments thereto.
- (C) To avoid undue hardship, nothing in this Joint Zoning Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption and on which actual building construction has been diligently conducted upon.
- (D) The provisions established for nonconformities shall be subject to the interpretation of the Zoning Officer with municipal jurisdiction. Should a dispute arise concerning the interpretation of these provisions, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board with municipal jurisdiction.

Section 1002: Nonconforming Lots of Record

- (A) Any lot shown on a recorded subdivision or land development plan on the effective date of this Joint Zoning Ordinance, which does not meet the minimum size or width requirements of the zoning district to which it is located, may be used for a use permitted by regulations of that zoning district, provided that all yard, height, coverage and open space requirements of the zoning district shall be met. However, when a developer or applicant has had an application for approval of a preliminary or final subdivision plan, which has been approved prior to the effective date of this Joint Zoning Ordinance, no provision and/or regulation in this Joint Zoning Ordinance shall be applied to affect adversely the right of the developer or applicant to commence and complete any aspect of the approved preliminary or final plan within such time periods as are established within the Pennsylvania Municipalities Planning Code.
- (B) Any lot held in single and separate ownership on the effective date of this Joint Zoning Ordinance, which does not meet the minimum size or width requirements of the zoning district to which it is located may be used for any use permitted in that zoning district, provided that all yard, height, coverage and open space requirements of the district are met. However, if two (2) or more lots, combination of lots, or portions of lots with continuous frontage held under single ownership, which are of record at the time of passage or amendment of this Joint Zoning Ordinance. If all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Joint Zoning Ordinance.
- (C) No portion of a nonconforming lot or parcel of land shall be used or sold in a manner which diminishes compliance with lot width or lot area requirements established by this Joint Zoning Ordinance, nor shall any division of any parcel be made which creates a lot width or area less than the provisions stated in this Joint Zoning Ordinance.

Section 1003: Nonconforming Uses of Land

- (A) Lawful uses of land, which at the effective date of this Joint Zoning Ordinance become nonconforming, such nonconforming use or uses may be continued by the present or any subsequent owner so long as it remains a lawful nonconforming use in accordance with the provisions specified by this Joint Zoning Ordinance.
- (B) A nonconforming land use shall not be enlarged, increased and/or extended in order to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Joint Zoning Ordinance.

- (C) Whenever a nonconforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished, except if the owner of such property files within thirty (30) days of the date of discontinuance a certificate of intention to maintain such use. If such certificate is filed the time period, which a nonconforming use may be discontinued and still be reestablished, such nonconforming use shall be extended by a twelve (12) month period.
- (D) A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may be changed to a conforming use or to a nonconforming use of a less offensive nature. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such at the effective date of adoption or amendment of this Ordinance.
- (E) No additional structures, which do not conform to the requirements of this Joint Zoning Ordinance shall be erected in connection with such nonconforming use of land.

Section 1004: Nonconforming Buildings and Structures

- (A) Lawful nonconforming structures or buildings, which at the effective date of this Joint Zoning Ordinance becomes nonconforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structures, may be continued as long as they remain otherwise lawful, subject to the provisions listed in the following subsections.
- (B) A nonconforming use, building or structure shall not be enlarged or increased upon land not owned, leased or under an option to purchase at the time of the enactment of this Joint Zoning Ordinance.
- (C) A nonconforming building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner, which will further violate any applicable dimensional requirements imposed by this Joint Zoning Ordinance.
- (D) Total future expansion of a nonconforming building or structure shall not exceed the following provisions:
 - (1) The expansion may be permitted by right, provided that such expansion does not exceed fifty (50) percent of the gross floor area or ground area occupied by the building or structure at the time of the effective date of this Joint Zoning Ordinance.
 - (2) The expansion may be permitted to exceed fifty (50) percent of the gross floor area or ground area occupied by the building or structure at the time of the effective date of this Joint Zoning Ordinance, provided that a special exception is permitted by the Zoning Hearing Board.
 - (3) Unless otherwise permitted by the municipality with jurisdiction, the expansion shall be limited to a single occurrence.
- (E) Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other similar active cause may be reconstructed in the same location, provided that:
 - (1) The reconstructed building or structure shall not exceed the height, area or volume of the damaged or destroyed building or structure.
 - (2) Reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption
- (F) A nonconforming building or structure which has been damaged by fire, explosion, accident and/or calamity may be reconstructed and used for the same nonconforming use, provided that the reconstructed building or structure does not exceed the area, volume and height of the destroyed buildings or structure. The reconstruction shall be started within one (1) year from the date the building or structure was destroyed and shall be carried through without interruption.
- (G) No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 1005: Nonconforming Use of Structures or Buildings

- (A) Lawful nonconforming structures or buildings, or structures or buildings and land in combination, which exist at the effective date of this Ordinance that would not be allowed in the district under the terms of this Joint Zoning Ordinance, may be continued so long as it remains otherwise lawful, subject to the provisions contained within this Article of this Joint Zoning Ordinance.
- (B) An existing structure devoted to a use not permitted by this Joint Zoning Ordinance within the zoning district where it is located may be enlarged, extended, constructed, reconstructed or structurally altered up to but not more than twenty five (25) percent of its gross floor and/or use area as it existed at the time of the passage of this Joint Zoning Ordinance or subsequent amendment, provided that the lot or lots upon which the nonconforming structure is situated, were held under single ownership or long-term lease (10 years or more) and purchased or leased prior to the enactment of this Joint Zoning Ordinance. Unless otherwise permitted by the municipality with jurisdiction, the expansion shall be limited to a single occurrence.
- (C) Any enlargement, extension, construction, reconstruction or structural alteration must conform to all other regulations of the zoning district to which the use is located. In cases where the dimensional provisions of a nonconforming use are not specified by this Joint Zoning Ordinance, the Zoning Officer shall assign the most restrictive requirements for lot area, building setback, yard setback, building height, building coverage, lot coverage, and other dimensional criteria of a similar permitted use by right within the zoning district to which the use is located.
- (D) Any nonconforming use may be extended throughout the building, which was in use for the nonconforming use at the time of adoption of this Joint Zoning Ordinance, but no such use shall be extended to occupy any land outside such building unless provided for under this Article of this Joint Zoning Ordinance.
- (E) A nonconforming use of a structure, or premises and structure, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such determination shall be made by a special exception granted by the Zoning Hearing Board, which shall take into consideration the following issues: the intent of the provisions for the zoning district; the ability to change the use to a conforming use; traffic generation and congestion; noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, or other nuisances; external storage; solid waste disposal; sewer and water facilities; and the general impact of the use compared to the uses within 500 feet of the property lines.
- (F) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (G) Where a building or structure occupying a nonconforming use is damaged or destroyed, the status of the nonconforming use shall be eliminated at that point in time. For the purpose of this subsection, damage or destruction shall be defined as a loss of more than seventy-five (75) percent of the market value at the time of the damage or destruction.

Section 1006: Pre-Existing Planned Residential Communities

- (A) Prior to the enactment of the Joint Zoning Ordinance of 2011, a few planned residential communities had been previously considered and approved under alternative zoning regulations such as planned residential developments, cluster developments, and/or lot averaging developments, which were viable land use and development alternatives permitted under the provisions of past ordinances that were in effect at that time.
- (B) The planned residential communities that fall under the guidelines of Section 1006(A) of this Joint Zoning Ordinance may continue as legal conforming developments provided that all principal and accessory uses are planned, developed and constructed in accordance with the pending application and/or approved plan. No further subdivision or land development activity shall be permitted unless it is strict compliance with the pending application and/or approved plan. Any minor deviations to the principal or accessory uses or structures may be permitted, provided that a special exception application has been considered and approved by the Zoning Hearing Board.

Article 11: Administration and Enforcement

Section 1101: Purpose

- (A) The purpose and objective of the provisions established under Article 11 of this Joint Zoning Ordinance is to establish specific regulations and guidelines for the administration and enforcement of this Joint Zoning Ordinance.
- (B) Where a conflict or discrepancy should arise concerning the procedural requirements specified by this Joint Zoning Ordinance and the Pennsylvania Municipalities Planning Code, the appointed Solicitor of the municipality with jurisdiction shall review the conflict or discrepancy and advise the municipality of the procedural requirements that should be followed.
- (C) The provisions established for administration and enforcement, as established under Article 11 of this Joint Zoning Ordinance shall be subject to the interpretation of the Zoning Officer of the municipality with jurisdiction. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

Section 1102: Zoning Officer

- (A) Appointment: The provisions of the Joint Zoning Ordinance shall be administered, interpreted and enforced by the Zoning Officer who shall be appointed by the governing body with municipality with jurisdiction. The Zoning Officer shall not hold any elective office within the municipality with jurisdiction and shall continue to serve the municipality with jurisdiction until such time the municipality with jurisdiction declares otherwise.
- (B) Duties and Responsibilities: The Zoning Officer is responsible to administer, interpret and enforce the provisions of this Joint Zoning Ordinance, which shall include the following duties and powers:
 - (1) Applications: The Zoning Officer shall receive applications and issue Zoning Permits and Certificates of Use and Occupancy, as further specified by this Joint Zoning Ordinance.
 - (2) Inspections: Before issuing any Zoning Permit or Certificate of Use and Occupancy, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs, or land and portions thereof for which an application has been filed for a Zoning Permit or a Certificate of Use and Occupancy. Thereafter, he may make such inspections during the completion of the work for which a Zoning Permit has been issued. Upon completion of such work and before issuing a Certificate of Use and Occupancy, a final inspection shall be made and all violations of the approved plans or Zoning Permit shall be noted and the holder of the Zoning Permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
 - (3) Official Records: It shall be the duty of the Zoning Officer to maintain and to be responsible for all pertinent records on zoning matters in the municipality with jurisdiction. These records shall include, but not be limited to, all applications received, copies of all zoning permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this Joint Zoning Ordinance, and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of Zoning Officer shall be available for the use of the municipality with jurisdiction and for inspection by any interested party during normal office hours. The Zoning Officer shall at least annually submit to the governing body a written statement of all permits and certificates of use and occupancy issued and violations and enforcement notices recommended or promulgated.
 - (4) Violations: The Zoning Officer shall serve notice of violations on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Joint Zoning Ordinance. He shall also be responsible for instituting civil enforcement proceedings as a means of enforcement pursuant to the provisions specified under this Joint Zoning Ordinance.

- (5) Complaints: The Zoning Officer shall investigate alleged violations of this Joint Zoning Ordinance. If a signed, written complaint is received, said investigation shall be completed within fifteen (15) days of said complaint. A written report of all investigations of this Joint Zoning Ordinance shall be prepared and filed by the Zoning Officer and a copy sent to the municipality with jurisdiction. If after the investigation the Zoning Officer determines that a violation has occurred, he shall take the appropriate actions as specified by this Joint Zoning Ordinance and the Pennsylvania Municipalities Planning Code.
 - (6) Requests: Upon the request of the governing body, Planning Commission or the Zoning Hearing Board, the Zoning Officer shall present to such bodies facts, records, and similar information in the interest of assisting such bodies in reaching their decisions.
 - (7) Zoning Ordinance and Zoning Map: The Zoning Officer shall be responsible for keeping this Joint Zoning Ordinance and the Zoning Map up-to-date, including any amendments thereto.
 - (8) Floodplain Records: The Zoning Officer shall be responsible for all records concerning the provisions and approvals relating to the Floodplain Overlay District, as further specified by this Joint Zoning Ordinance and the Floodplain Ordinance, as adopted by the governing body with municipal jurisdiction.
 - (9) Preliminary Opinion: The Zoning Officer shall render a preliminary opinion regarding a proposed land use and zoning interpretation in accordance with the provisions specified under this Joint Zoning Ordinance and the Pennsylvania Municipalities Planning Code.
 - (10) Non-Conformities: The Zoning Officer shall inspect nonconforming uses, buildings and lots of records by examining them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations and to issue certificates of occupancy for them.
 - (11) Other Duties: The Zoning Officer shall perform all other required administrative duties specified by this Joint Zoning Ordinance in accordance with the provisions of the Pennsylvania Municipalities Planning Code and The municipality with jurisdiction Code.
- (C) Assistant Zoning Officer: In order to enforce the provisions of this Joint Zoning Ordinance, The municipality with jurisdiction may appoint an Assistant Zoning Officer who shall work under the direction of the municipality with jurisdiction Manager and Zoning Officer.

Section 1103: Permits

- (A) The following general requirements shall apply to zoning permits, certificates of occupancy, as reviewed and issued by the Zoning Officer:
- (1) Persons desiring to undertake any new construction, structural or site alteration, or changes in the use of a building or lot shall apply to the Zoning Officer of the municipality with jurisdiction for a permit by filling out the appropriate application form and by submitting the required fee.
 - (2) The Zoning Officer shall either issue the appropriate permit or shall refuse the permit, indicating in writing the reason for refusal. Certain construction activities, alterations or land use activities may require approval of the governing body, Planning Commission and/or Zoning Hearing Board.
 - (3) If the permit is refused by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.
 - (4) After the permit has been received by the applicant, he may undertake the action that is specifically referenced on the approved permit application..
 - (5) Upon completion of such action, the applicant may apply to the Zoning Officer for an occupancy permit (where such a permit is required).

- (6) If the Zoning Officer finds that the action of the applicant is in accordance with the zoning permit, building permit and any other required permit approvals, the Zoning Officer shall issue an occupancy permit allowing the premises to be occupied.
- (B) The following specific provision shall apply to an application for a zoning permit and/or building permit within The municipality with jurisdiction:
- (1) No person shall erect, alter, convert, move or add to any building, structure or sign, or alter the use of any land or structure, until the Zoning Officer issues a zoning permit and/or building permit to the person or applicant for said change or construction.
 - (2) Unless otherwise specified by this Joint Zoning Ordinance, a zoning permit and/or building permit is not required for normal maintenance and repairs.
 - (3) The following provisions shall apply to the types of procedural requirements for a use permitted by right, special exception or conditional use:
 - (a) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted by right, subject to the provisions and requirements of this Joint Zoning Ordinance.
 - (b) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a zoning variance application, which has been approved by the Zoning Hearing Board and subject to the provisions and requirements of this Joint Zoning Ordinance.
 - (c) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a special exception application, which has been approved by the Zoning Hearing Board and subject to the provisions and requirements of this Joint Zoning Ordinance.
 - (d) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a conditional use application, which has been approved by the governing body and subject to the provisions and requirements of this Joint Zoning Ordinance.
 - (4) All applications for a zoning permit shall be made in writing to the Zoning Officer and shall be accompanied by two (2) complete sets of plans accurately drawn to scale indicating or illustrating the following information if applicable:
 - (a) The actual dimensions and shape of the lot to be built upon.
 - (b) The exact size and location on the lot of buildings, structures or signs existing and/or proposed extensions thereto.
 - (c) The number of lots or dwelling units.
 - (d) Off-street parking spaces provided and/or loading facilities.
 - (e) Statement indicating the existing or proposed use.
 - (f) The detailed scale drawing of the structure, building, sign or other improvement, including the precise dimensions.
 - (g) A written agreement or an attested statement that the applicant is the owner of the premises on which the improvement will be conducted or that the applicant has obtained the consent of the owner or lessee of such premises to improve the property in accordance with the permit application.
 - (h) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Joint Zoning Ordinance.

- (5) If requested by the municipality with jurisdiction, the detailed information included with the zoning permit or building permit shall be prepared by a professional architect, engineer, planner, surveyor and/or contractor.
 - (6) Upon approval or disapproval of the zoning permit, the Zoning Officer shall return one (1) copy of the permit application and plans to the applicant. The Zoning Officer shall indicate that the permit has been approved or disapproved by signing the application. Where appropriate, conditions of approval should be specified on the zoning permit application. One (1) copy of such plans shall be retained by the Zoning Officer for his permanent records and one (1) copy shall be retained by the municipality with jurisdiction.
 - (7) Approval or denial of the requested zoning permit application shall be made within thirty (30) days from the date of application was considered complete by the Zoning Officer. In denying a zoning permit application, the Zoning Officer shall inform the applicant of the reasons for denial and specify the provision(s) of this Joint Zoning Ordinance, which has not been satisfied. Applicants shall be informed of their rights of appeal and provided with all necessary information to pursue such appeals.
 - (8) Zoning permits shall expire within one (1) year from date of issuance, if the work described in any permit has not begun. If the work described in any zoning permit has begun, said permit shall expire after one (1) year, exclusive of any time required for administration and permitting, from date of issuance thereof, within which time said work shall be completed.
- (C) The following specific provision shall apply to an application for a certificate of use and occupancy:
- (1) A certificate of use and occupancy shall be required upon the completion of the work and improvements authorized as part of the zoning permit. It shall be unlawful to use and/or occupy any structure, building and/or portions thereof in any manner until a certificate of use and occupancy has been issued by the Zoning Officer.
 - (2) The application for certificate of use and occupancy shall be submitted on such form as the Zoning Officer may prescribe.
 - (3) The Zoning Officer shall inspect any structure, building, sign, improvements and/or land or portions thereof to determine compliance with this Joint Zoning Ordinance and permit requirements. If satisfied that the completed work is in conformity with this Joint Zoning Ordinance and permit requirements, a certificate of use and occupancy shall be issued.
 - (4) Upon inspection, the Zoning Officer shall either grant or deny the certificate of use and occupancy in writing, within fifteen (15) from the date of application or last inspection.
 - (5) In situations in which performance standards are imposed, no certificate of occupancy shall become permanent until thirty (30) days after the use or facility is fully operating and only after, upon inspection by the Zoning Officer, it is determined that the facility is in compliance with the performance standards. After said inspection, the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance standards and that the certificate of use and occupancy is permanent or that the facility does not comply and that the certificate of use and occupancy is still temporary. In no case shall a temporary certificate of use and occupancy extend ninety (90) days past the date of first inspection.
 - (6) The certificate of use and occupancy shall be kept on the premises and shall be publicly displayed in a manner required by the municipality with jurisdiction.
- (D) The following specific provision shall apply to an application for a special use permit, seasonal permits and/or temporary permit within The municipality with jurisdiction:
- (1) Where a special use, seasonal use or a temporary use are permitted by this Joint Zoning Ordinance, the Zoning Officer may issue a special use permit, seasonal permit or a temporary use permit to the applicant.
 - (2) A special use permit may be issued by the Zoning Officer for a use having a periodic, intermittent or short duration of time not exceeding thirty (30) consecutive or cumulative days within a calendar year. Such special uses shall include the following: carnivals; circuses; bazaars; fairs; municipal and civic events; the

sale of food, product and similar merchandise; the sale of Christmas trees, seasonal flowers or other seasonal items excluding fireworks; and other similar activities conducted by a nonprofit or charitable organization, provided that activities are conducted on the same premises as the use and location of the principal activity of the sponsor.

- (3) A seasonal or temporary use permit may be issued for a use having a short time period, which shall not exceed ninety (90) consecutive or cumulative days within a calendar year. The seasonal or temporary use shall be a permitted use specified by this Joint Zoning Ordinance or within the zoning district to which the use is located.
- (E) The owner of the premises occupied by a lawful nonconforming use or structure may secure a Certificate of Nonconforming Use or Structure from the Zoning Officer. Such Certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.
- (F) Pursuant to the provisions established by the municipality with jurisdiction, additional permits may be required by local, regional, county, state and federal agencies, which shall be issued prior to the commencement of any improvement or site activities.

Section 1104: Zoning Hearing Board

- (A) The governing body of the municipality with jurisdiction shall appoint three (3) residents plus alternates to serve as members of the Zoning Hearing Board in accordance with the provisions of the municipality with jurisdiction and Pennsylvania Municipalities Planning Code.
- (B) The following provisions shall apply to the establishment of the Zoning Hearing Board:
 - (1) The members of the Zoning Hearing Board shall serve three (3) year terms and shall be so fixed that the term of office of one member shall expire each year.
 - (2) The Zoning Hearing Board shall promptly notify the governing body of any vacancies, which may occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
 - (3) The members of the Zoning Hearing Board shall not be an employee of the municipality with jurisdiction and shall not hold any other office within the municipality with jurisdiction.
 - (4) Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body taken after the member has received fifteen (15) days of advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- (C) The following provisions shall apply to the organization of the Zoning Hearing Board:
 - (1) The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
 - (2) For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Zoning Hearing Board.
 - (3) The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board, as provided by the municipality with jurisdiction.
 - (4) The Zoning Hearing Board may appoint a solicitor or attorney to oversee the procedures of the hearing in accordance with the provisions established by of the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.

- (5) The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with the provisions of the municipality with jurisdiction and laws of the Commonwealth of Pennsylvania.
 - (6) If requested by the governing body, the Zoning Hearing Board shall submit an annual report of its activities to the governing body.
- (D) The following provisions shall apply to expenditures and fees for the Zoning Hearing Board:
- (1) The members of the Zoning Hearing Board may receive compensation for the performance of their duties and services, which shall be established by the governing body.
 - (2) Within the limits of funds appropriated by the governing body, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
 - (3) The applicant before the Zoning Hearing Board shall deposit with the designated secretary or treasurer of the municipality with jurisdiction such a sum of money as shall be deemed sufficient by the Zoning Hearing Board and established in a resolution to pay the cost of the expenses for the hearing. These costs may include compensation in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
 - (4) Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings, and, in the event that the cost of the hearing exceeded the funds deposited, the applicant shall pay to the designated secretary or treasurer of The municipality with jurisdiction the appropriate funds equal to such excess cost.
- (E) The following provision shall apply to the general functions of the Zoning Hearing Board:
- (1) The Zoning Hearing Board shall act in strict accordance with the procedures specified within the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.
 - (2) The Zoning Hearing Board shall consider applications for variances, special exceptions, appeals concerning the interpretation of this Joint Zoning Ordinance by the Zoning Officer, and other duties that are specified by the municipality with jurisdiction.
 - (3) All appeals and applications made to the Zoning Hearing Board shall be in writing, on forms prescribed by the governing body or Zoning Hearing Board.
 - (4) Every appeal or application shall refer to the specific provision of this Joint Zoning Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of this Joint Zoning Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
- (F) In all cases before the Zoning Hearing Board, the governing body, Planning Commission and Zoning Officer may review and comment on the application prior to rendering a decision.

Section 1105: Public Hearings and Procedures

- (A) **Zoning Variances:** The Zoning Hearing Board of the municipality with jurisdiction shall hold a public hearing to consider a zoning variance application that has been submitted to the municipality with jurisdiction. The public hearing shall be scheduled, advertised and conducted in accordance with the provisions that are specified by the Pennsylvania Municipalities Planning Code and this Joint Zoning Ordinance.
- (B) **Special Exceptions:** The Zoning Hearing Board of the municipality with jurisdiction shall hold a public hearing to consider a special exception application that has been submitted to the municipality with jurisdiction. The public hearing shall be scheduled, advertised and conducted in accordance with the provisions that are specified by the Pennsylvania Municipalities Planning Code and this Joint Zoning Ordinance.

- (C) Conditional Uses: The municipality with jurisdiction Governing body shall hold a public hearing to consider a special exception application that has been submitted to the municipality with jurisdiction. The public hearing shall be scheduled, advertised and conducted in accordance with the provisions that are specified by the Pennsylvania Municipalities Planning Code and this Joint Zoning Ordinance
- (D) Appeals: All appeals concerning the review, application, interpretation and decisions authorized by this Joint Zoning Ordinance shall be in accordance with the provisions that are specified by the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.

Section 1106: Zoning Variances

- (A) The Zoning Hearing Board shall hear requests for zoning variance applications, whereas it is alleged that the provisions of this Joint Zoning Ordinance inflict unnecessary hardship upon the applicant. The application shall be considered by the Zoning Hearing Board in accordance with the provisions specified by this Joint Zoning Ordinance.
- (B) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Joint Zoning Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board may, by rule, prescribe the form of application and may require a preliminary application to be issued and reviewed by the Zoning Officer.
- (C) In all cases before the Zoning Hearing Board, the governing body, Planning Commission and Zoning Officer may review and comment on the zoning variance application prior to rendering a decision.
- (D) The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Joint Zoning Ordinance in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Joint Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance as granted by the Zoning Hearing Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (E) If a subdivision or land development plan is required to implement a variance granted by the Zoning Hearing Board, the variance shall remain valid provided that the following time frames, terms and conditions have been achieved:
 - (1) A complete preliminary plan shall be submitted to the municipality with jurisdiction within one (1) year from the date the zoning variance was granted by the Zoning Hearing Board.
 - (2) The preliminary plan shall be approved by the municipality with jurisdiction within two (2) years from the date the zoning variance was granted by the Zoning Hearing Board.
 - (3) The final plan shall be approved by the municipality with jurisdiction and recorded by the landowner or applicant within five (5) years from the date the preliminary plan was approved. If required, a municipal improvements agreement shall be executed to ensure that the municipal improvements have been completed in accordance with the approved final plan.

- (4) All site improvements required to implement the conditions of the zoning variance and the approved final plan shall be completed within five (5) years from the date the preliminary plan was approved by the municipality with jurisdiction.
- (F) If a subdivision or land development plan is not required to implement a variance granted by the Zoning Hearing Board, the variance shall remain valid provided that the following time frames, terms and conditions have been achieved:
 - (1) If required, the landowner or applicant shall apply for the necessary permits for the site work and building improvements within two (2) years from the date the zoning variance was granted by the Zoning Hearing Board.
 - (2) All site and building improvements required to implement the conditions of the zoning variance shall be completed within five (5) years from the date the zoning variance was granted by the Zoning Hearing Board.
- (G) If the applicant should fail to comply with the terms and conditions specified under Sections 1106.E or 1106.F of this Joint Zoning Ordinance, the decision and order issued by the Zoning Hearing Board shall expire and any relief granted by the zoning variance application shall become voided.
- (H) Unless otherwise stipulated as part of the variance decision issued by the Zoning Hearing Board, the governing body may consider granting a time extension in order for the landowner or applicant to comply with the provisions specified under Sections 1106.E or 1106.F of this Joint Zoning Ordinance.

Section 1107: Special Exceptions

- (A) The Zoning Hearing Board shall hear requests for special exception applications, as permitted under the provisions of this Joint Zoning Ordinance. By so providing, the Zoning Hearing Board recognizes that certain uses may or may not be appropriate at every location within any specific district and, where it appears that a use permitted by special exception fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a zoning district, that the use would not be permitted there.
- (B) In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Joint Zoning Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The Zoning Hearing Board may, by rule, prescribe the form of application and may require a preliminary application to be issued and reviewed by the Zoning Officer.
- (C) The Zoning Hearing Board shall consider the comments issued by the municipality with jurisdiction Governing body, Planning Commission, Engineer, Zoning Officer and/or other agencies that could assist the Zoning Hearing Board with the special exception application. All such comments shall be made either in writing and presented as evidence during the hearing or as part of sworn testimony at the public hearing.
- (D) The Zoning Hearing Board shall consider the following issues prior to rendering its decision on a special exception application:
 - (1) That such use is consistent with the Joint Comprehensive Plan for The municipality with jurisdiction and Mount Penn Borough.
 - (2) That such use shall be one, which is specifically authorized as a special exception use within the zoning district wherein the applicant seeks a special exception.
 - (3) That the property is suitable for the use desired and that the proposed request is consistent with the goals, objectives and policies established by this Joint Zoning Ordinance.
 - (4) That such special exception shall only be granted subject to any applicable condition and safeguards as required by this Joint Zoning Ordinance.

- (5) That such use shall not adversely affect the general character of the neighborhood and/or property values of the adjacent uses.
 - (6) That such use shall not adversely affect the health, safety and/or welfare of residents or property owners within the general neighborhood.
 - (7) That there will be no adverse effect of the proposed special exception upon the logical, efficient and economical extension of public facilities and services, including, public water, sanitary sewers, streets, police and fire protection, public schools, and all other similar facilities and services that are considered appropriate by the Zoning Hearing Board.
 - (8) That the proposed location of any residential or non-residential use is suitable with respect to probable effects upon highway traffic and assures adequate access arrangements in order to protect major streets and highways from undue congestion and hazard.
 - (9) The adequacy of sanitation and public safety provisions.
 - (10) The Zoning Hearing Board may impose such conditions, in addition to those required, as are necessary to assure that the intent of this Joint Zoning Ordinance is complied with, which conditions may include, but are not limited to: harmonious design of buildings; planting and its maintenance as a sight or sound screen; the minimizing of noxious, offensive or hazardous elements; adequate standards for parking and sanitation; and other reasonable conditions.
- (E) If a subdivision or land development plan is required to implement a special exception granted by the Zoning Hearing Board, the special exception shall remain valid provided that the time frame, terms and conditions have been achieved:
- (1) A complete preliminary plan shall be submitted to the municipality with jurisdiction within one (1) year from the date the special exception was granted by the Zoning Hearing Board.
 - (2) The preliminary plan shall be approved by the municipality with jurisdiction within two (2) years from the date the special exception was granted by the Zoning Hearing Board.
 - (3) The final plan shall be approved by the municipality with jurisdiction and recorded by the landowner or applicant within five (5) years from the date the preliminary plan was approved. If required, a municipal improvements agreement shall be executed to ensure that the municipal improvements have been completed in accordance with the approved final plan.
 - (4) All site improvements required to implement the conditions of approval for the special exception and the approved final plan shall be completed within five (5) years from the date the preliminary plan was approved by the municipality with jurisdiction.
- (F) If a subdivision or land development plan is not required to implement a special exception granted by the Zoning Hearing Board, the special exception shall remain valid provided that the following time frames, terms and conditions have been achieved:
- (1) If required, the landowner or applicant shall apply for the necessary permits for the site work and building improvements within two (2) years from the date the special exception was granted by the Zoning Hearing Board.
 - (2) All site and building improvements required to implement the conditions of approval for the special exception shall be completed within five (5) years from the special exception application was approved by the Zoning Hearing Board.
- (G) If the applicant should fail to comply with the terms and conditions specified under Section 1107.E or 1107.F of this Joint Zoning Ordinance, the decision and order issued by the Zoning Hearing Board shall expire and that the approval of the special exception application shall become voided.

- (H) Unless otherwise stipulated as part of the special exception decision issued by the by the Zoning Hearing Board, the governing body may consider granting a time extension in order for the landowner or applicant to comply with the provisions specified under Sections 1107.E or 1107.F of this Joint Zoning Ordinance.

Section 1108: Conditional Uses

- (A) The governing body shall hear requests for conditional use applications, as permitted under the provisions of this Joint Zoning Ordinance. By so providing, the governing body recognize that certain uses may or may not be appropriate at every location within any specific district and, where it appears that a conditional use fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, that the use would not be permitted there.
- (B) In granting any conditional use, the governing body may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Joint Zoning Ordinance.
- (C) Unless otherwise required by the municipality with jurisdiction, a preliminary subdivision plan or preliminary land development plan shall be prepared and submitted with the conditional use application for review and consideration in accordance with the procedures and requirements specified by the municipality with jurisdiction.
- (D) Prior to the commencement of the conditional use hearing or during the proceedings of the conditional use hearing, the governing body shall consider the comments of the municipality with jurisdiction Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and/or other agencies that could assist the governing body with the merits of the conditional use application. All such comments shall be made either in writing and presented as evidence during the hearing or as part of sworn testimony at the conditional use hearing.
- (E) All of the standards for conditional uses hereinafter set forth shall, where relevant, apply to all conditional uses within The municipality with jurisdiction and are deemed definitional in character so that the failure to comply with any standards shall be deemed a failure to bring the applicant within that definitional aspect for which a conditional use may be granted; or, in the discretion of the governing body, such failure to comply with the standards may be deemed a basis for the impositions of appropriate conditions to such grant. It is further the intention of the governing body that the standards hereinafter described shall be deemed additional standards and shall in no way impair any other applicable standard described elsewhere in this Joint Zoning Ordinance. Where there is a conflict between the standards set forth in this article and other standards elsewhere established by this Joint Zoning Ordinance or other applicable ordinances, it is intended that the more stringent thereof shall apply, and it is not the intent of this article to abrogate or impair any other such standards or requirements.
- (F) The governing body shall consider the following general issues and site requirements prior to rendering its decision on a conditional use application:
- (1) That such use is consistent with the Joint Comprehensive Plan for the municipality with jurisdiction and Mount Penn Borough.
 - (2) That the property is suitable for the use desired and that the proposed request is consistent with the goals, objectives and policies established by this Joint Zoning Ordinance.
 - (3) The minimum and maximum dimensional requirements for the proposed use within the appropriate zoning district shall be held in compliance by the applicant.
 - (4) The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public health, safety, morals and/or public welfare.
 - (5) The applicant shall provide evidence with supporting documentation that the capacity of the road system providing access to the property or lot in question has sufficient capacity to accommodate the use.
 - (6) The applicant shall provide evidence with supporting documentation that the interior traffic circulation for the proposed use at the proposed location, including but not limited to acceleration and deceleration lanes where required at the proposed entrances to the location, shall be adequate to provide safe and convenient

circulation for users of the facility, visitors to the facility, employees of the facility and all emergency vehicles that may require entrance thereon.

- (7) The applicant shall provide evidence with supporting documentation the facility or use provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking areas.
- (8) The applicant shall provide evidence with supporting documentation that adequate screening and buffering is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view and preclude any glare from lighting or noise from being ascertainable beyond the boundaries of the property.
- (9) The applicant shall provide evidence with supporting documentation that the local fire departments have the abilities to provide adequate fire protection and emergency management services for the use.
- (10) The applicant shall provide evidence with supporting documentation that adequate water supply and storage is available within the region for fire-fighting purposes without adversely impairing the uses of the water supply for ordinary purposes on the premises and shall be in compliance with all applicable governmental regulations.
- (11) The applicant shall provide evidence with supporting documentation that the existing or proposed municipal water supply facilities have sufficient capacity for the proposed use.
- (12) The applicant shall provide evidence with supporting documentation that the existing or proposed sanitary sewage disposal facilities have sufficient capacity for the proposed use.
- (13) Where in the opinion of the governing body, the use or facility may require supervision and protection, the applicant shall provide evidence with supporting documentation that additional security measures will be accounted for by the owner or site manager so the facility or use does not create a continuous burden on the emergency management services and providers.

(G) The following provisions shall apply for the public hearing procedures and administrative requirements for all conditional use applications within The municipality with jurisdiction:

- (1) The governing body shall schedule and hold a public hearing on the application pursuant to public notice within sixty (60) days from the date of receipt of the applicant's application. The request for a hearing shall be accompanied by a completed application on required form. The date for the scheduling of the first hearing may be extended by the applicant on the record or in writing addressed to the governing body, in which event the date agreed upon by the applicant shall be considered timely for purposes of this subsection.
- (2) As part of the conditional use hearing, the governing body shall consider those comments issued by the municipality with jurisdiction Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and all other agencies providing comments, as may be authorized by The municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.
- (3) The governing body shall conduct the hearing or the governing body may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the governing body. However, the appellant or the applicant, as the case may be, in addition to the municipality with jurisdiction, may waive decision or findings by the governing body and accept the decision or findings of the hearing officer as final. All hearings must be completed no later than one hundred (100) days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Court of Common Pleas.
- (4) Any substantial revisions to the application or plan made by the applicant subsequent to filing of the application or plan or its review by the Planning Commission shall be subject to review and recommendation by the Planning Commission as specified by this Joint Zoning Ordinance. In such event, the Zoning Officer shall secure from the applicant a written extension of the date within which the governing body must hold a public hearing pursuant to the provisions of this Joint Zoning Ordinance. If the applicant fails to execute the

extension, the governing body shall decide the conditional use application on the basis of the plan and application as originally filed.

- (5) A stenographic record of the hearing shall be made by a certified court reporter, whose appearance fee shall be reimbursed through the application fee paid to the municipality with jurisdiction as part of the initial application. The cost of the original transcript shall be paid by the municipality with jurisdiction or by any party requesting an original transcript. In either case, the cost of additional copies shall be paid by the party or person requesting such copies.
 - (6) The governing body shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact, reasons or conclusions based thereon. Any conclusions based upon this Joint Zoning Ordinance, the Pennsylvania Municipalities Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. A copy of the decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
 - (7) If, after the conclusion of the public hearing(s), the application is amended or revised, the governing body shall hold one or more public hearings thereon as may be necessary and shall issue a new decision thereon in conformance with the procedure established in this section. In the event that the governing body fail to commence the public hearing within 60 days from the date of the applicant's request for a hearing or fail to complete the hearing no later than 100 days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because the governing body failed to commence the hearings, complete the hearings, or render a decision as required by this section, the governing body shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this section. If the governing body shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- (H) Nothing in this section shall be construed to relieve the applicant for a conditional use approval from obtaining all other required approvals mandated by the municipality with jurisdiction as well as other pertinent laws, ordinances and regulations that have been adopted by local, state and federal agencies. This may include the submission of a subdivision plan and/or land development plan to be prepared by the applicant and submitted to the municipality with jurisdiction for review and consideration.
- (I) If a subdivision or land development plan is required to implement the approval of a conditional use application by the governing body, the conditional use shall remain valid provided that the following time frames, terms and conditions have been achieved::
- (1) A complete preliminary plan shall be submitted to the municipality with jurisdiction within one (1) year from the date the conditional use application was approved by the governing body.
 - (2) The preliminary plan shall be approved by the municipality with jurisdiction within two (2) years from the date the conditional use application was approved by the governing body.
 - (3) The final plan shall be approved by the municipality with jurisdiction and recorded by the landowner or applicant within five (5) years from the date the preliminary plan was approved. If required, a municipal improvements agreement shall be executed to ensure that the municipal improvements have been completed in accordance with the approved final plan.

- (4) All site improvements required to implement the conditions of approval for conditional use and the approved final plan shall be completed within five (5) years from the date the preliminary plan was approved by the municipality with jurisdiction.
- (J) If a subdivision or land development plan is not required to implement the conditional use decision, the conditional use shall remain valid provided that the following time frames, terms and conditions have been achieved:
 - (1) If required, the landowner or applicant shall apply for the necessary permits for the site work and building improvements within two (2) years from the date the conditional use application was approved by the governing body.
 - (2) All site improvements required to implement the conditions of the conditional use zoning variance shall be completed within five (5) years from the date the conditional use application was approved by the governing body with municipal jurisdiction.
- (K) If the applicant should fail to comply with the terms and conditions specified under Section 1108.I or 1108.J of this Joint Zoning Ordinance, the decision and order issued by the governing body shall expire and that the approval of the conditional use application shall become voided.
- (L) Unless otherwise stipulated as part of the conditional use decision, the governing body may consider granting a time extension in order for the landowner or applicant to comply with the provisions specified under Sections 1108.I or 1108.J of this Joint Zoning Ordinance

Section 1109: Zoning Amendments and Curative Amendments

- (A) Zoning Amendments: Lower Alsace Township and Mount Penn Borough may from time to time amend, supplement, change, modify or repeal the contents of this Joint Zoning Ordinance. Any amendment, supplement, reclassification or change may be initiated by Lower Alsace Township, Mount Penn Borough, or by a petition by a landowner within Lower Alsace Township or Mount Penn Borough. If considered, a public hearing shall be scheduled by Lower Alsace Township and Mount Penn Borough, which shall be advertised and conducted in accordance with the provisions that are specified by Lower Alsace Township, Mount Penn Borough and the Pennsylvania Municipalities Planning Code.
- (B) Zoning Map Amendments of Revisions: Lower Alsace Township and Mount Penn Borough may from time to time amend or revise the Joint Zoning Map. Any amendment or revisions may be initiated by Lower Alsace Township, Mount Penn Borough, or by a petition by a landowner within Lower Alsace Township or Mount Penn Borough. If considered, a public hearing shall be scheduled by Lower Alsace Township and Mount Penn Borough, which shall be advertised and conducted in accordance with the provisions that are specified by Lower Alsace Township, Mount Penn Borough and the Pennsylvania Municipalities Planning Code.
- (C) Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of this Joint Zoning Ordinance, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to Lower Alsace Township and Mount Penn Borough with a written request that his challenge and proposed amendment be heard. All such landowner curative amendments shall be scheduled, advertised and conducted in accordance with the provisions that are specified by Lower Alsace Township, Mount Penn Borough and the Pennsylvania Municipalities Planning Code.

Section 1110: Joint Comprehensive Plan Implementation Agreement

- (A) The Joint Zoning Ordinance has been adopted in accordance with: the requirements of Pennsylvania Municipalities Planning Code, as amended; with the goals, objectives and policies established within the Joint Comprehensive Plan for The municipality with jurisdiction and Mount Penn Borough considering issues relative to growth, development, preservation and redevelopment.
- (B) As part of the provisions established within the intergovernmental agreement for the implementation of the Joint Comprehensive Plan, Lower Alsace Township and Mount Penn Borough has forwarded a complete copy of this Joint

Zoning Ordinance to the Berks County Planning Commission and Antietam School District for municipal and intergovernmental review under the provisions of the Pennsylvania Municipalities Planning Code.

- (C) The purpose statements and community development objectives should be utilized when considering amendments to the Joint Zoning Ordinance of 2011. All future amendments this Joint Zoning Ordinance should be generally consistent with the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, as may be revised and/or amended.
- (D) Prior to the adoption of any future amendments, the municipality with jurisdiction should follow the procedural guidelines referenced in the intergovernmental agreement for the implementation efforts associated the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.

Section 1111: Opinions, Mediation and Appeals

- (A) Preliminary Opinion: In order not to delay unreasonably the time when a landowner may secure assurance that this Joint Zoning Ordinance or Joint Zoning Map under which he proposes to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to this Joint Zoning Ordinance or Joint Zoning Map will run under Section 914.1 of the Pennsylvania Municipalities Planning Code by following the procedures set forth in the Pennsylvania Municipalities Planning Code.
- (B) Mediation: If necessary, mediation proceedings shall be conducted in accordance with the provisions established by the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.
- (C) Appeals: All appeals concerning the review, application, interpretation and decisions authorized by this Joint Zoning Ordinance shall be in accordance with the appropriate provisions that are established by the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code. All such appeals concerning an alleged error in the processing or enactment of any components of this Joint Zoning Ordinance shall be raised by appeal taken directly from the action of the governing body to the appropriate court, which shall not be filed later than thirty (30) days from the effective date of this Joint Zoning Ordinance.

Section 1112: Filing Fees and Costs

- (A) The governing body shall establish by resolution a schedule of fees, charges and expenses as well as the collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other matters pertaining to this Joint Zoning Ordinance. The resolution or schedule of the fees shall be available for inspection in the office of the Zoning Officer with municipal jurisdiction.
- (B) The governing body may alter or change the schedule of the fees by resolution in accordance the appropriate provisions established by the municipality with jurisdiction and the Pennsylvania Municipalities Planning Code.

Section 1113: Violations, Penalties and Remedies

- (A) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Joint Zoning Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by The municipality with jurisdiction, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by The municipality with jurisdiction as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality with jurisdiction may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determines otherwise as prescribed by the Pennsylvania Municipalities Planning Code.
- (B) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

- (C) Nothing contained in this Joint Zoning Ordinance shall be construed or interpreted to grant to any person or entity other than the municipality with jurisdiction the right to commence any action for enforcement pursuant to this Joint Zoning Ordinance.
- (D) In the event any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Joint Zoning Ordinance, or in case any land, building or structure for which a use and occupancy permit is required is conveyed or possession otherwise transferred to a bona fide purchaser or lessee without obtaining such certificate of occupancy and delivering the same to such bona fide purchaser or lessee at or prior to conveyance or transfer of possession, whichever first occurs, the governing body, in addition to other remedies, may institute in the name of The municipality with jurisdiction any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or the conveyance thereof, or to prevent in or about such premises any act, conduct, business or use constituting a violation.

Article 12: Municipal Enactment

Section 1201: Validity and Severance

- (A) If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Joint Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Joint Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of this Joint Zoning Ordinance.
- (B) Lower Alsace Township and Mount Penn Borough hereby declare that it would have adopted the Joint Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the fact that any one (1) or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

Section 1202: Repealer

- (A) Except as otherwise required by law, this Joint Zoning Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Joint Zoning Ordinance restates regulations contained in ordinances previously enacted by the Lower Alsace Township and Mount Penn Borough shall be considered a restatement and not a repeal of such regulations.
- (B) It is the specific intent of Lower Alsace Township and Mount Penn Borough that all provisions of this Joint Zoning Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. Any municipal ordinances or parts of any municipal ordinances that are considered conflicting or inconsistent with the provisions of this Joint Zoning Ordinance are hereby repealed.
- (C) It is expressly provided that the provisions of this Joint Zoning Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance.
- (D) In the event any violation has occurred under any prior regulation or ordinance established by Lower Alsace Township or Mount Penn Borough, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

Section 1203: Effective Date

- (A) The Joint Zoning Ordinance of 2011 shall become effective five (5) days after municipal adoption by Lower Alsace Township and Mount Penn Borough.
- (B) An endorsed copy of this Joint Zoning Ordinance, including any subsequent amendments or revisions thereto, shall be retained by Lower Alsace Township, Mount Penn Borough and the Berks County Planning Commission.

Section 1204: Municipal Adoption by Lower Alsace Township

The Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011 has been adopted by the Lower Alsace Township Board of Supervisors on November 22, 2011, as part of Lower Alsace Township Ordinance Number 219.

Lower Alsace Township Board of Supervisors

Chairman

Vice-Chairman

Supervisor

ATTEST:

Lower Alsace Township Secretary

Section 1205: Municipal Adoption by Mount Penn Borough

The Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011 has been adopted by Mount Penn Borough Council on November 22, 2011, as part of Mount Penn Ordinance Number 796.

Mount Penn Borough Council

President

Vice-President

Member

Member

Member

Member

Member

ATTEST:

Mayor

Mount Penn Borough Secretary

This is a detailed street map of a residential neighborhood in Chicago. The map shows a grid of streets with various colored zones highlighted. The streets are labeled as follows:

- Summit Ave** (top left)
- Howard Blvd** (top center)
- Dengler St** (top center)
- Woodvale Ave** (top right)
- Grandview Ave** (bottom center)
- Highland Ave** (bottom left)
- Woodvale Ave** (bottom right)
- 20 St S** (left edge)
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- 83 St S** (left edge)
- 84 St S** (left edge)
- 85 St S** (left edge)
- 86 St S** (left edge)
- 87 St S** (left edge)
- 88 St S** (left edge)
- 89 St S** (left edge)
- 90 St S** (left edge)
- 91 St S** (left edge)
- 92 St S** (left edge)
- 93 St S** (left edge)
- 94 St S** (left edge)
- 95 St S** (left edge)
- 96 St S** (left edge)
- 97 St S** (left edge)
- 98 St S** (left edge)
- 99 St S** (left edge)
- 100 St S** (left edge)

The map also shows several colored zones:

- Yellow zones:** Located in the top left, top center, and bottom center.
- Green zones:** Located in the top right and bottom right.
- Blue zones:** Located in the middle left and middle right.

The map is oriented with North at the top.

 Carsonia Ave. Overlay District

 Perkiomen Ave. Overlay District

1 inch = 500 feet