

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 manufacturer'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 and/or 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 the that the minimum lot width requirement is established at the building setback line, as measure 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 the that the minimum lot width requirement is established at the building setback line, as measure 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 to 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 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 or 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.