

Article 1: Establishment and Application Provisions

Section 101: Preamble

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

Section 102: Short Title

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

Section 103: Purpose Statements

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

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

Section 104: Community Development Objectives

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

Section 105: Regional Allocation of Land Uses

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

Section 106: Application and Interpretation

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

Section 107: Exemptions

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