

Article 2: Definitions

Section 201: General Interpretation

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

Section 202: Specific Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Architect: An architect registered by the Commonwealth of Pennsylvania.

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

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

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

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

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

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

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

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

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

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

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

Borough: Mount Penn Borough, Berks County, Pennsylvania.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Distance Between Buildings: The shortest horizontal distance between buildings.

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

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

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

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

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

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

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

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

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

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

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

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

Egress: A point of exit from a property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any subdivision or land development activity. The following sub-definitions shall apply to forestry:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) **Category 1 Home Occupations:** A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the residential use and which involves no customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises, in excess of those normally associated with a residential use. A "Category 1 Home Occupation" shall be synonymous with "No Impact Home-Based Business", as defined by the Pennsylvania Municipalities Planning Code.
- (2) **Category 2 Home Occupations:** A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the residential use, which may involve some employee(s), customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises, in excess of those normally associated with a residential use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ingress: A point of entrance to a property

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

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

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

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

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

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

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

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

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

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

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

Land Development: Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Development in accordance with the provisions established by Lower Alsace Township, Mount Penn Borough and the Pennsylvania Municipalities Planning Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PA: The Commonwealth of Pennsylvania.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation within Lower Alsace Township and Mount Penn Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State: The Commonwealth of Pennsylvania and its designated agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Township: Lower Alsace Township, Berks County, Pennsylvania.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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