

TOWNSHIP OF ALSACE

**ZONING ORDINANCE
OF 2017**

ORDINANCE #2017-2

ENACTED - DECEMBER 20, 2017

**ALSACE TOWNSHIP
BERKS COUNTY, PA**

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APPENDIX A - 2012 PA WIRELESS BROADBAND COLLOCATION ACT

TOWNSHIP OF ALSACE
Berks County, Pennsylvania

An Ordinance of the Township of Alsace, Berks County, Pennsylvania regulating the location, erection, construction, alteration, removal, and size of buildings, structures, and signs and the use of land; establishing zoning districts together with applicable regulations relating thereto; establishing general regulations to accomplish the purposes stated in this Ordinance; and providing for the administration and enforcement of this Ordinance.

ARTICLE I TITLE, PURPOSE, INTERPRETATION, AND APPLICATION

Section 100. TITLE

This Ordinance shall be known as and may be cited as "The Alsace Township Zoning Ordinance of 2017."

Section 101. PURPOSE

This Ordinance is enacted to implement the Alsace Township Joint Comprehensive Plan and to promote the public health and safety and the general welfare of the residents and occupants of the Township by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; avoiding undue congestion of population, providing for adequate areas for vehicular parking and loading; providing for adequate quality of air; conserving the value of land and buildings; securing safety from fire, panic, flood and other dangers; facilitating the adequate provision of transportation, water, sewerage, school and other public facilities, encouraging the harmonious and orderly development of land; and lessening congestion of the roads.

This Ordinance is enacted to implement the land use goals, objectives and policies as set forth in the Joint Comprehensive Plan for Alsace Township, adopted 2009.

Section 102. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any other Township ordinance, or regulation the provisions of this Ordinance shall be complied with. Where the provisions of any other Township ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such other Township ordinance or regulation shall be complied with unless otherwise stated in this Ordinance.

Section 103. APPLICATION

Except as hereinafter provided, no building, structure, land, or parts thereof in Alsace Township shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed, or structurally altered unless in conformity with the provisions of this Ordinance.

ARTICLE II DEFINITIONS

Section 200. GENERAL

For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and the neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association", or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" shall be construed as if followed by the phrase "or part thereof".

Section 201. SPECIFIC TERMS

Accessory Building - A building subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the principal building.

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

Act - Pennsylvania Municipalities Planning Code - Act 247 as amended.

Adult Arcade - Any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still or motion producing devices are maintained to show images to five or fewer persons per machine at any one time or where the image is so displayed or distinguished or characterized by depicting or describing "specified sexual activities" or "specified anatomical areas".

Adult Cabaret, Adult Dance Hall, Adult Club, Adult Bar, Adult Tavern, Night Club, Restaurant or Similar Commercial Establishment - Offering "adult entertainment"; any cabaret dance hall club, tavern, bar, night club, restaurant or similar commercial establishment offering entertainment used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas", for observation by patrons therein whether or not liquor is sold on the premises. Such presentation or material may be live or through films, motion pictures, video cassettes, slides or other photographic reproduction depicting or describing "specified sexual activities" or "specified anatomical areas".

Adult Entertainment - Entertainment containing "specified sexual activities" or displaying or presenting "specified anatomical areas". This definition is a broad overall definition which includes, but is not limited to, the following:

1. Adult Arcade
2. Adult Cabaret, Adult Dance Hall Adult Club, Adult Bar, Adult Tavern, Night Club, Restaurant or Similar Commercial Establishment
3. Adult Materials Rental and Sales
4. Adult Motion Picture Theater
5. Adult Motel
6. Peep Shows
7. Sexual Encounter Center

Adult Materials Rental and Sales –

1. Book, video, magazine rentals, other printed matter, photographs, films, motion picture video or production slides or other visual representation and / or sales where the locations offer the showing or displaying of matter depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons on the premises. This does not apply to the availability for sale of any material displayed in

such a way that only the name of the book or magazine appears. This also does not include rentals and / or sales for use of such materials off the premises of said establishment.

2. Instruments, devices or paraphernalia which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas".
3. Such a commercial establishment as listed in 1 and 2 may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be characterized as adult material sales. Such other business purposes will not serve to exempt such commercial establishments from being categorized as adult material sales so long as one of its principal business purposes is the offering for sale or rental for consideration in specified materials used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas".

Adult Motel - A hotel, motel or similar commercial establishment which offers accommodation to the public for any form of consideration, provides patrons of closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas".

Adult Motion Picture Theater - Any enclosed or partially enclosed or unenclosed building which houses a commercial establishment with the capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Agriculture - The 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, excluding kennels.

Agricultural Building - A structure used to store farm implements, hay, feed, grain, or other agricultural or horticultural products, or to house poultry, livestock, or other domestic farm animals. Such structures shall not include habitable spaces, spaces in which agricultural products are processed, treated, or packaged, nor shall an agricultural building be a place of occupancy by the general public.

Agricultural Operation - General agricultural uses, intensive agricultural uses, commercial composting facilities, mushroom production operations, farm-related businesses, farm-support businesses, nurseries, greenhouses, and all other accessory agricultural uses.

Alteration, Structural - Any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress from or access to a building or structure.

American National Standards Institute (ANSI) - A national organization which formulates guidelines and standards. ANSI standards are recognized as authoritative by the FCC.

Animal Unit – One Thousand (1,000) pounds live weight of livestock or poultry animals on an annualized basis, regardless of the actual number of individual animals comprising the unit as interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture or Department of Environmental Protection.

Apartment Building - A building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

Apartment Unit - A dwelling unit within an apartment building. An apartment building is a building on a single lot designed for and occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

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

Application for development - Every application, whether preliminary, tentative 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 plan or for the approval of a land development plan.

Area - The extent of surface contained within the boundaries or extremities of land.

Arterial Road – A road with signals at important intersections and stop signs on side roads and that collects and distributes traffic to and from collector roads, i.e., Pennsylvania Route 12 (Pricetown Road), as specified in the Alsace Township Comprehensive Plan.

Basement - A building story partly or entirely below average level of the finished grade where such grade abuts the exterior walls of the building.

Board of Supervisors – The Board of Supervisors of the Township of Alsace, Berks County, Pennsylvania.

Buffer Yard - A strip of land which is clear of all buildings and paved areas and is landscaped in accordance with this Ordinance.

Building - Any structure occupied or intended to support or shelter any type of occupancy. For the purposes of this Ordinance, each portion of a structure which is completely separated from other portions by fire walls shall be considered a separate building.

Building Area - The area within surrounding exterior walls, or exterior walls and fire walls. Areas not provided with exterior walls or fire walls shall be included in the building area if such areas are covered with a roof or a floor above.

Building Coverage - The percentage of lot covered by principal and accessory building areas.

Building Height - The vertical distance measured from the average elevation of the finished grade at the two (2) front corners of the building to the highest point of the roof for a roof having a slope of fifteen percent (15%) or less, and to a point midway between the peak and eaves for a roof having a slope greater than fifteen percent (15%). Chimneys, spires, cupolas, antennas, and other similar projections shall not be included in calculating the height of a building.

Building Length - The measurement of a building along the longest exterior dimension.

Building Setback Line – The line parallel to the road line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located.

Campground - A parcel of land on which is provided a space or spaces for travel trailers or tents for camping purposes, regardless of whether a fee has been charged for the occupancy of such space.

Carport - A roofed-over structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

Cartway - The portion of a road right-of-way, designed for vehicular use.

Cellar - See Basement.

Certificate of Use and Occupancy - A statement, based on an inspection signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Zoning Ordinance, and that a building, structure, sign and/or land may be lawfully employed for a specific use, as provided in this Ordinance.

Chimney – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor heating appliance or a vertical channel or pipe that conducts smoke and combustible gases up from a fire or furnace.

Church - A building used for public worship by a congregation, excluding buildings used primarily for residential, education, burial, recreational, or other uses not normally associated with worship.

Clear Sight Triangle - An area of unobstructed vision at road and/or driveway intersections defined by lines of sight between points at a given distance from the intersections of the road and/or driveway center lines.

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

Collector Road – A road that collects and distributes traffic to and from local roads and connects with arterial roads, i.e., Mt. Laurel Road, Friedensburg Road, Blankenbiller Road, Spies Church Road, and Skyline Drive, as specified in the Alsace Township Comprehensive Plan.

Commercial School - A school for the teaching of a trade or skill, carried on as a for-profit business and not operated by the public school district.

Commission – The Planning Commission of the Township of Alsace, Berks County, Pennsylvania.

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of roads or land on which stormwater detention facilities are located shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas and property lines in the development. No dwelling unit, residential accessory buildings, or parking areas may be located within common open spaces.

Common Parking Area - A parking facility designed for use by the occupants, tenants, clients, patients, customers of the particular property upon which same is located. This term does not include the parking facilities provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, or one townhouse is located.

Common Wall - A wall used or adopted for joint service between two buildings or parts thereof.

Communications Antenna (Antenna) - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building - An unmanned building or cabinet containing communications equipment required for the operation of Communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.

Communications Tower (Tower) - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Comprehensive Plan - Comprehensive Plan of Alsace Township prepared in accordance with the requirements and authority of the Pennsylvania Municipalities Planning Code. The document entitled, "The Alsace Township Joint Comprehensive Plan", or any part thereof, adopted by the Alsace Township Board of Supervisors.

Concentrated Animal Operation (CAO) – An agricultural operation with eight (8) or more Animal Equivalent Units (AEUs), where the animal density exceeds two (2) AEUs per acre on an annualized basis. Animal density includes all livestock, including non-production animals such as horses used for recreation and/or transportation. An operation with less than eight (8) AEUs is not considered to be a Concentrated Animal Operation regardless of the animal density. The number of AEUs on an agricultural operation is calculated through an established formula set from the Commonwealth of Pennsylvania, State Conservation Commission. The acreage used in the concentrated Animal Operation formula to calculate the AEUs per acre includes land suitable for the application of manure, which may include rented or leased land outside the parcel where the agricultural operation is located. It is further provided, however, that if the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other state or federal agency revised the definition of "Concentrated Animal Operation," then this term shall be interpreted in accordance with those regulations then in effect.

Conditional Use - A use which shall only be permitted by the Township Supervisors in a particular zoning district pursuant to the provisions of the Municipalities Planning Code, as amended, and this Ordinance.

Condominium - A form of ownership of real property, including an undivided interest in common in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act.

Convalescent Home - An establishment providing nursing, dietary and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

Conversion - The change of a more restrictive use to a less restrictive use.

Corner Lot - A lot abutting two or more intersecting public streets, or at the point of abrupt change of direction of a single street (an interior angle of less than one hundred thirty-five degrees [135°]). Any yard adjoining a street shall be designated a front yard and must meet the front yard requirements of the applicable zoning district. As determined by the Zoning Officer, one of the remaining yards shall be designated as a side yard and one shall be designated as a rear yard in accordance with the specified depths of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed nearer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

County – The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission – The Planning Commission of the County of Berks, Commonwealth of Pennsylvania.

Developer - Any individual, partnership or corporation (or agent authorized thereby) which undertakes the subdivision or development of land, as defined by this ordinance, as the owner, equitable owner (or agent authorized thereby) of the land being subdivided or developed.

Distance Between Buildings - This measurement shall be at the closest point.

Domestic Farm Animals - Animals such as, but not limited to, sheep, horses, pigs, cows, goats, steers and buffaloes.

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

Dwelling Unit - A building or structure or portion thereof providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit, not including places offering overnight accommodations for transients.

Easement – A grant by the property owner of a specific tract of land to the public, a corporation, a person, or group of persons, or to another tract of land for the use of the grantor's land for specified purposes.

Egress - An 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 purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in Residential Districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, or housing of repair crews.

Electronic Message Display (digital display) - A sign face that displays still images, scrolling images or moving images, including video and animation, through a series of grid lights, in-

cluding cathode ray, light emitting diode display, plasma screen, liquid crystal display, fiber optic, or other electronic media or technology, and that may be changed remotely through electronic means.

Electronic Notice - Notice given by the Township through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

Employees or Number of Employees - The greatest number of persons to be employed on the premises in question at any one time of the day or night.

Engineer – A licensed professional engineer registered by the Commonwealth of Pennsylvania.

Essential Services - the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential Buildings, excluding Communications Towers and Communications Antennas, as defined herein.

Family - An individual, two (2) or more persons related by blood, marriage or law, or a group of unrelated persons not greater than five (5) in number, living together in a dwelling unit. No more than three (3) servants consisting of persons related by blood, marriage or law, and having common housekeeping facilities with a family, are a part of that family for the purposes of this Ordinance.

Farm - An area of land used for agriculture, as defined in this Ordinance.

Farm Building - See Agricultural Building.

Farming - The practice of agriculture, as defined in this Ordinance.

Federal Communications Commission (FCC) - The Federal government agency charged with regulating the national airways.

Floor Area - (Gross Floor Area) The sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls, including basement space. Cellar area is excluded.

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 land development.

Front Lot Line - The lot line abutting or lying within a road.

Governing Body - The Board of Supervisors of Alsace Township, Berks County, Pennsylvania.

Habitable Space – Space in a structure for living, eating, sleeping, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas shall not be construed as habitable spaces.

Height of a Communications Tower - The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Home Occupation or Accessory Professional Office Use - A professional use which is customarily carried on in a dwelling unit, or a structure accessory thereto, clearly secondary and incidental to the dwelling in which the practitioner resides.

Hotel - A building or group of buildings containing seven or more individual rooms in three (3) or more stories for rental, primarily for transients, 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.

Impervious - Not easily penetrated by water, including but not limited to streets, buildings, structures, sidewalks, access drives, loading areas, parking areas, and paved recreation courts.

Improvements - Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Improvement Setback - The minimum distance an improvement must be set back from a road line.

Improvement Setback Line - A line parallel to or concentric to a road line, measured at right angles from a road line. No improvements are permitted between the road line and the improvement setback line.

Indoor Storage Facility – One or more buildings containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Ingress - An entrance to a property.

Intensive Agriculture - Specialized agricultural activities including, but not limited to, mushroom, pig, poultry, dry lot livestock production which:

1. Necessitates development of specialized sanitary facilities and controls as determined by The Nutrient Management Act (3 P.S. §§ 1701—1718) or,
2. Qualifies as a Concentrated Animal Operation as defined in the Pennsylvania Code (25 Pa. Code § 83).

Junk Yard - A lot, land, or structure, or parts thereof, used for the collection, storage, dismantling, salvage or sale of used and discarded materials, including, but not limited to, waste paper, rags, scrap metal, or other scrap, salvage, or discarded material, vehicles or machinery. The deposit or storage of two or more unlicensed, wrecked or disabled vehicles shall be deemed to be a "junk yard".

Kennel - A commercial establishment wherein domesticated pets are kept for the purpose of breeding, boarding, sale, trading, training, grooming or show purposes.

Land Development - Any of the following activities:

1. The improvement of one lot, or two (2) or more contiguous lots for any purpose involving:
 - a. A single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively; or
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) 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. Establishing a new Commercial or Industrial use on a lot.
4. Expansion of a non-residential building which contains a Commercial or Industrial use unless all of the following requirements are met.
 - a. The expansion is on the rear or side of the existing building.

- b. The total expansion area is not more than twenty percent (20%) of the existing building area, or five hundred (500) square feet, whichever is less.
- c. The entire building as expanded will meet all requirements of this Ordinance and the Alsace Township Subdivision and Land Development Ordinance.
- d. No other exclusions from Land Development requirements have been availed since the last Land Development Plan submission and approval.

Exceptions:

- i. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
- ii. The addition or expansion of an accessory building, including agricultural buildings, on the same lot as the principal use building if the principal use on the lot is residential or agricultural and if the accessory building use is the same as the principal use on that lot. This exception applies only if the building addition does not need additional parking, impervious area, or stormwater management controls.
- iii. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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, or other person having a proprietary interest in the land, shall be deemed to be a landowner for The purpose of this Ordinance.

Licensed Professional – An individual licensed by the Commonwealth of Pennsylvania.

Loading Space - An on-the-property space for the standing, loading, and unloading of vehicles to avoid undue interference with the public use of roads and alleys. Such space shall be not less than fourteen feet (14') in width, fifteen feet (15') in height and fifty-five feet (55') in length, exclusive of access aisles and maneuvering space.

Lot - A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open areas as are arranged, designed or required. The term lot shall also mean designated parcel, plot, tract of land established by a plot or otherwise as permitted by law and which is to be used, developed or built upon as a unit.

Lot Area (Gross) - The total area contained within the lot lines.

Lot Area (Net) - The remaining area of a lot after excluding the features defined in "Lot Size" from the gross lot area.

Lot Coverage - The total percentage of the lot size occupied by impervious surfaces.

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 road.

Lot Line - A line forming the front, rear or side boundary of a lot.

Lot Size - The remaining area of a lot after excluding the following features from the gross lot area:

1. Areas within any public or private street, right-of-way, or other transportation right-of-way.
2. Areas contained within easements surrounding stormwater management controls (e.g. detention basins, swales, pipes, catch basins, etc.) excluding however, any stormwater management controls intended to service individual lots (e.g. berms, infiltrators, etc.).
 - a. In Zoning Districts that require a minimum lot size of three (3) acres.
 - i. That portion or portions of the lot in which the following features individually or cumulatively represent at least fifty percent (50%) of the gross lot area: areas within the one hundred (100) year flood plain, areas of slope in excess of twenty-five percent (25%), and all areas delineated as Wetlands.
 - b. In Zoning Districts that require a minimum lot size of two (2) acres.
 - i. That portion or portions of the lot in which the following features individually or cumulatively represent at least twenty-five percent (25%) of the gross lot area: areas within the one hundred (100) year flood plain, areas of slope in excess of twenty-five percent (25%), and all areas delineated as wetlands.

Lot Width - The shorter of the following two distances:

1. The distance between side lot lines, determined by establishing the shortest straight-line distance at the road line.
2. The distance between side lot lines, determines by establishing the shortest straight-line distance at the building setback line.

Lot width shall be a continuous dimension and not the sum of two (2) or more separate dimensions, furthermore, lot width shall be the shortest straight line distance, it shall not be measured on an arc.

Mailed Notice – Notice given by the Township by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

Manufactured Home – A structure or building, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Medical Marijuana – Marijuana for certified medical use as set forth under the Medical Marijuana Act, Pennsylvania Act 16.

Medical Marijuana Act – The Medical Marijuana Act, Pennsylvania Act 16 as adopted April 17, 2016.

Medical Marijuana Dispensary – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health under PA Act 16, to dispense medical marijuana. The term does not include a health care medical marijuana organization under the Medical Marijuana Act, Pennsylvania Act 16, which has been separately approved by the Department to dispense or grow and process in accordance with a research study pursuant to Chapter 19 of the Act.

Medical Marijuana Grower/Processor – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health under PA Act 16, to grow and process medical marijuana. The term does not include a health care medical marijuana organization under the Medical Marijuana Act, Pennsylvania Act 16, which has been separately approved by the Department to dispense or grow and process in accordance with a research study pursuant to Chapter 19 of the Act.

Medical Marijuana Organization – A dispensary or a grower/processor as permitted under the Medical Marijuana Act, Pennsylvania Act 16. The term does not include a health care medical marijuana organization under the Medical Marijuana Act, Pennsylvania Act 16, which has been separately approved by the Department to dispense or grow and process in accordance with a research study pursuant to Chapter 19 of the Act.

Mobile Home - A transportable, single family dwelling, intended for permanent occupancy, contained in one unit, or in two (2) or more units designed to be joined into one integral unit capable of being separated for repeated transportation, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it is possible to be used without a permanent foundation.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Modular 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.

Monument – A stone or concrete monument with a flat top of a least four inches (4”) in diameter or square, containing a copper or brass dowel (1/4” drill hole), and at least twenty-four inches (24”) in length (preferred thirty inches [30”] to thirty-six inches [36”]). It is recommended that the bottom diameter should be at least two inches (2”) greater in circumference than the top, to minimize movements caused by frost.

Motel - A group of attached or detached buildings containing individual living or sleeping units in two (2) or less stories designed for temporary use by tourists or transients generally traveling by motor vehicle.

Motor Vehicle Service Station - An area of land, including structures thereon, used primarily for the sale of gasoline or motor vehicle fuel and for supplying services generally required for the operation and maintenance of motor vehicles, but which shall not include painting, body and fender repairs, or sale, rental and storage of vehicles.

Municipal Use - A land use owned and maintained by the Township or a Township Authority and including such uses as a library, park, playground, watershed, sewage treatment plant and administrative or equipment storage building.

Municipality – The Township of Alsace, Berks County, Pennsylvania.

No-Impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling 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 residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
8. The business may not involve any illegal activity.

Non-Coal Surface Mining - The extracting of minerals from the earth, from waste or stockpiles, or from pits or from banks by removing the strata or material that overlies or is above or between them (which removal shall not constitute mining activity) or otherwise exposing and retrieving them from the surface, including, but not limited to strip mining, auger mining, dredging, quarrying, and leaching, and all surface activity connected with surface or underground mining, including, but not limited to exploration, site preparation, entry, tunnel, drift, slope, shaft, and borehole drilling and construction, and activities related thereto excluding, however, the extraction, handling, processing, or storing of materials from any building construction excavation on the site of the construction where the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals.

Non-conforming Building, Lot, Structure or Use - A building, lot, structure, or use which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the regulations of the Zoning District in which it is located. For the purposes of this Ordinance, non-conforming signs are considered to be non-conforming structures.

Non-conforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Non-conforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-conforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nursery/Greenhouse - An establishment for the growing for sale of shrubs, plants, trees and other vegetation.

Nursing Home - Establishment providing nursing, dietary, and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals. The words "nursing home" includes convalescent home.

Official Zoning Map - Alsace Township's Official Zoning Map, adopted pursuant to the Municipalities Planning Code, as amended.

One Hundred Year Flood – A stormwater event that, on the average, is likely to occur once every one hundred (100) years or that has a one percent (1%) chance of occurring within any given year, (although the one hundred [100] year flood may occur in any year).

On-Lot Sewage System – A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or waters of the Commonwealth or by means of conveyance to another site for final disposal. The term includes:

1. Individual on-lot sewage system – An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
2. Individual sewerage system – An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in soil absorption area or retention in a retaining tank.

On-Lot Water Distribution System – A system for supplying and distributing water to a single dwelling and other building from a source located on the same lot.

Open Area - Unoccupied space open to the sky and on the same lot with the principal use.

Owner – Any person, firm, association or syndicate, partnership, or corporation having a legal and proprietary interest in any land within the corporate limits of the Township of Alsace.

Outdoor Solid Fuel Burning Appliance – Any equipment, device or apparatus which is installed, affixed or situated outdoors, and not situated within a building intended for habitation by humans or domestic animals, which is used for the primary purpose of combustion of fuel to produce heat for energy as a heating system, or component thereof, which provides heat or hot water to the principal structures, to a structure used for human or animal habitation, or to any accessory uses or structures, including, but not limited to, greenhouses, conservatories and swimming pools. All outdoor solid fuel burning appliances are considered as Accessory Structures under this Ordinance.

Parcel - See definition of "Lot".

PennDOT – The Pennsylvania Department of Transportation.

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

Parking Space - A space containing a minimum area of one hundred sixty-two (162) square feet, with a minimum width of nine feet (9') and minimum depth of eighteen feet (18') for the parking of a motor vehicle. In determining the dimensions of such space, access drives and aisles shall not be included. Minimum vertical clearance shall be ten feet (10').

Paved Area - The percentage of a lot covered by paving.

Paving - Hard material such as concrete, asphalt, or stone treated to decrease its permeability applied to a lot in order to smooth or firm the surface of the lot.

Performance Guarantee – A form of financial security (which shall accompany any and all forms of Improvements Agreements) that is posted with the Township, by a developer, and which is used to guarantee that, said developer shall complete certain required improvements within a specific subdivision, and/or development, and; within a specific time frame, In the event that the developer fails to complete said required improvements, as specified in the Improvements Agreement, than; the Township shall have that right, but not the duty, to seize the Performance Guarantee and use same funds to complete the required improvements, in lieu of the developer doing so.

“Peep” Shows - Any enclosed or semi-enclosed or unenclosed building/enclosure which houses a commercial establishment with the capacity for one person used for presenting material distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activity” or “specified anatomical areas” for observation by parties therein.

Plan – A formal proposal for any type (e.g. residential, commercial, industrial, institutional, recreational, etc.) of land development, inclusive of a subdivision of land where applicable, presented in the form of drawings, and supplemental data, prepared by either, a Professional Land Surveyor (required when a subdivision is involved) or, a Professional Engineer. The plan shall clearly depict all covenants, grants, or easements, and other conditions relating to the proposed land development; such as but not limited to, type, size, and location of all man-made improvements (e.g. buildings, streets, utilities, etc.), density of development, common open space, recreation areas, and public facilities.

Plan, Final – A complete and exact formal subdivision plan (inclusive of all required supplementary data), officially submitted to the Township for review and approval and, as prepared according to this Ordinance for official recording of a subdivision by statute, and which defines property rights and depicts proposed streets and other improvements, and as is prepared by a Professional Land Surveyor.

Plan, Land Development – The provisions for development of a planned residential, commercial, or industrial development, including a plat of subdivision, all covenants related to use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the land development plan” when used in this ordinance shall mean the written and graphic materials referred to in this Ordinance.

Plan, Major Street – That element of the Township Comprehensive Plan, now or hereafter adopted, which shows the general location, alignment, and dimensions, and the identification and classification of existing and proposed major streets, highways, and other thoroughfares.

Plan, Official – The Comprehensive Plan and/or Master Plan and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map and/or Topographical Survey and/or other such plans, or portions thereof, as may have been adopted, pursuant to statute, for the area of the Township in which the subdivision is located.

Plan, Preliminary – A formal subdivision plan (inclusive of all required supplementary data), prepared to a lesser detail than a final plan, showing approximate proposed street and lot layout and all other information as required by this Ordinance as a basis for review and consideration by the Township, of a major subdivision prior to preparation and submission of a Final Plan prepared by a Professional Land Surveyor.

Plan, Record – The copy of the Final Plan which contains the original endorsements of the County Planning Commission, the Township Planning Commission and the Township Supervisors, and which must be recorded with the County Recorder of Deeds as required by Statute.

Plan, Sketch – An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposal subdivision prepared by the developer, an Engineer, a Professional Land Surveyor, or Land Planner.

Planned Residential Development - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one zoning district created, from time to time, under the provisions of this Ordinance.

Planning Commission - The Planning Commission of the Township of Alsace, Berks County, Pennsylvania.

Plat – A map or plan of a subdivision, whether preliminary or final.

Premises - A descriptive word to include all improvements, buildings, structures and land on or within a lot.

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 Ordinance.

Professional – An occupation practiced or performed by an individual who has been formally educated or trained for such occupation including, but not limited to, doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional people offering similar medical care, optician, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, systems analyst, or computer programmer.

Public Grounds – Lands set aside or otherwise dedicated for use by the general public including:
1. parks, playgrounds and other public areas; and
2. sites for publicly owned buildings and facilities.

Public Hearing – A formal meeting held pursuant to public notice by the Board of Supervisors, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting – A forum held pursuant to notice under 65 PA.C.S. Ch. 7 (open meetings).

Public Notice – Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. 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 be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Road - A road which has been dedicated or deeded to the Township and accepted by it.

Public Sewerage System – A publicly owned sanitary sewage, collection, transportation and treatment system in which sewage is carried from individual lots by a system of pipes to a central waste water treatment plant.

Public Utility – Any business activity regulated by a government agency in which the business is required by law to: 1) serve all members of the public upon reasonable request; 2) charge just and reasonable rates subject to review by a regulatory body; 3) file tariffs specifying all of its charges; and 4) modify or discontinue its service only with approval of the regulatory agencies.

Public Utility Transmission Tower - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Public Water Distribution System – A system which provides potable water to the public for human consumption and which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily for at least sixty (60) days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system as well as collection or pretreatment storage facilities not under control of the operator which are used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

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 feet (10') long.

Recreational Area - An area of land and/or water including buildings and structures, maintained and operated for recreation, sports, play and cultural activities.

Reserve Strip – A separately deeded parcel of ground which in turn separates a street from other adjacent properties, or from another street, either proposed or existing.

Reverse Frontage Lot – A lot extending between and having frontage on two (2) generally parallel streets (excluding service streets) with vehicular access solely from one street.

Right-of-Way - A strip of land of sufficient width (and/or the width required by this Ordinance or Statute) which is reserved, dedicated or otherwise legally set-aside for use as a road, street, alley, service street, driveway, crosswalk, trail or for other public or semi-public purposes, or private purposes including public utilities.

Roadway - See Street.

Road Access Point - A place of egress from or access to a road created by a driveway or another road. Measurement between them shall be from the point where the centerline of one access meets the edge of the paved cartway to the same point on the adjacent access.

Road Frontage - The lot dimension measured along the road line of any one public road abutting a lot.

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

Sanitary Sewage Disposal, On-Lot - Any structure designed to treat sanitary sewage generated within the boundaries of the same individual lot.

Sanitary Sewer System – A system design to collect, treat and dispose of sewage in compliance with local, state and federal regulations.

Septic Tank – A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

Sewerage System, Community - A privately owned sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.

Sewerage System, Public - A publicly owned sanitary sewage, collection, transportation and treatment system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Screen - Vegetative material, fence, etc. planted or constructed to screen the buildings, structures and uses on the lot on which the screen is located from the view of people on adjoining properties. The word "screen" includes screening.

Seats - The seating capacity of a particular building as determined by the specifications and plans and filed with the Zoning Officer; in the event individual seats are not provided, each twenty inches (20") of benches or similar seating accommodations shall be considered as one seat for the purposes of this Ordinance.

Semi-Nude Or Semi Nudity - State of dress in which clothing partially or opaquely covers specified anatomical areas.

Service Road - A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties, which is not the primary means of access to the properties.

Sexual Encounter Center - A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration;

- a. Physical contact in the form of wrestling or tumbling between persons of opposite sex; or
- b. Activities between persons of the opposite sex, and/or persons of the same sex and/or persons of altered sex when one or more of the persons is in a state of nudity or semi-nudity.

Shopping Center - A group of stores, four (4) or more in number, planned and designed as an integrated unit on one lot with common off street parking provided on the property as an integral part of the plan. Shopping Center shall also mean a single store or a group of stores less than four (4) in number on one lot where the total gross floor area of the store or stores exceeds ten thousand (10,000) square feet and common off street parking is provided.

Side Lot Line - The line separating a lot from an adjoining parcel of ground which is not the front or rear lot line.

Sight Distances – The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Sign - Any structure, device, display or part thereof, or device attached thereto, or painted or represented thereon, located outside, on, or within the building in such a manner that the

sign is viewed from outside the building, which shall be used for the purpose of bringing the subject thereof to the attention of the public or which displays or includes any letter, word, motto, banner, pennant, flag, insignia, device or representation which is in the nature of an advertisement, announcement, direction or attraction, but not including the flag, emblem, or insignia of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision thereof.

Single and Separate Ownership - The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

Single Family Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no common, or party wall with an adjacent building.

Single Family Semi-Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one family living on each side of a common, or party wall.

Solar Energy System – A solar photovoltaic system including appurtenances which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user and which has a rated capacity that does not exceed the rated capacity appropriate to the on-site user.

Solar Energy System, Ground-Mounted – A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

Solar Energy System, Roof-Mounted – A solar photovoltaic system attached to any part or type of roof on a building or structure that is either the principal structure or an accessory structure on a recorded parcel.

Solar Farm – An electric generation facility comprised of a group of photovoltaic panels and associated control/conversion/distribution equipment and structures whose main purpose is to supply electricity for off-site commercial use.

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

Special Exception - A use permitted in a particular Zoning District pursuant to the provisions of the Municipalities Planning Code, as amended, and this Ordinance.

Specified Anatomical Areas - Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola and / or female breast(s) partially or completely covering the areola, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities - Human genitals in state of sexual stimulation or arousal; acts or simulated acts of human masturbation, sexual intercourse, sodomy or oral copulation; fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast(s); or excretory functions as part of or in connection with any of the activities set forth above.

Story - That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having seventy-five percent (75%) or more of its wall area above grade level.

Street - A right-of-way, excluding driveways, intended as a means of vehicular and pedestrian

travel, furnishing access to abutting properties. The word "street" includes road, avenue, boulevard, court, drive, lane, way, thoroughfare, expressway, highway and similar terms.

Street, Arterial – A street serving a large volume of comparatively high-speed and long distance traffic (ADT 5,000 to 9,999).

Street, Cul-De-Sac – A local street intersecting another street at one end, and terminating in a circular turnaround at the other end.

Street, Internal – A street used for circulation and access within a particular development involving residential, commercial and/or industrial land uses.

Street, Local – A street used primarily to provide access to residential properties (ADT 0 to 499).

Street, Major Collector – A street which, in addition to providing access to abutting properties, intercepts local streets and minor collector streets to give access to arterial streets (ADT 1,000 to 4,999).

Street, Marginal Access – A local street, parallel and adjacent to an arterial or collector street (but separated from the arterial or collector street by a reserve strip) which provides access to abutting properties and nearby intersections.

Street, Minor Collector – A street which, in addition to providing access to abutting properties, intercepts local streets to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or arterial streets or other collector streets. Streets within an industrial or commercial development shall be considered minor collector streets (ADT 500 to 999).

Structure - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision - The division or redivision of a lot, tract or parcel of land by any means including annexations, 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: provided, however, that 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. The term subdivision shall refer to the process of subdividing land or to the land proposed to be subdivided. A subdivision also includes division over any period of time after the enactment of this ordinance of a parcel of land having frontage on an existing or proposed street into two (2) or more parcels having frontage on the existing or proposed street.

The term subdivision shall also include any development of a parcel of land, for example, as an industrial park, a shopping center or a multiple dwelling (project), which involves installation of streets and/or alleys, even though the streets and/or alleys might not be dedicated to public use and the parcel might not be divided immediately for purposes of conveyance, transfer, or sale, inclusive of instances where, the owner does not transfer legal or equitable title (for example, structures for rental purposes).

Surface Mining - The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which require 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 – A Professional Land Surveyor registered by the Commonwealth of Pennsylvania.

Swimming Pool - A man-made structure containing water used for swimming or bathing which has depth in any part of twelve inches (12") or more.

Through Lot – An interior lot having frontage on two (2) parallel or approximately parallel streets.

Townhouse - A building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced common walls, each dwelling having at least two (2) separate entrances from the outside.

Township – The Township of Alsace, Berks County, Pennsylvania.

Township Planning Commission – The Planning Commission of the Township of Alsace, Berks County, Pennsylvania.

Township Supervisors – The Board of Supervisors of the Township of Alsace, Berks County, Pennsylvania.

Traditional Neighborhood Development - An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two (2) or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

Travel Trailer - A vehicular portable structure built or designed to be mounted on a chassis or wheels or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation and/or vacation purposes.

Two Family Detached Dwelling (Duplex) - A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, living independent of each other in separate dwelling units that are separated by horizontal floors as opposed to vertical walls.

Use - The specific purpose for which land, a sign, or a structure or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on, thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance - Relief granted by the Zoning Hearing Board from the terms and conditions of this Ordinance pursuant to the requirements of the Municipalities Planning Code, as amended.

Water Distribution System, Community - A privately owned system for supplying and distributing water from a common source to two (2) or more dwellings and/or other buildings.

Water Distribution System, On-Lot - A system for supplying and distributing water to a single dwelling and other building from a source located on the same lot.

Water Distribution System, Public - A publicly owned system for supplying and distributing water from a common source to Township residents.

Wetlands – An area of land exhibiting certain existing natural conditions which cause said land to be identified as wetlands as defined in applicable State and Federal laws and regulations setting forth criteria for the identification and delineation of wetlands.

Wind Energy System – An energy conversion system consisting of a wind turbine, a tower, blades and associated controls and appurtenances that convert wind energy to a usable form of energy to meet all or part of the energy requirements of the on-site user and which has a rated capacity that does not exceed the rated capacity appropriate to the on-site user.

Wind Farm – An electric generation facility comprised of a group of wind turbines and associated control/conversion/distribution equipment and structures whose main purpose is to supply electricity for off-site commercial use.

Yard - The open area of land adjacent to a building and contained on the same lot as said building. The yard shall be open and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and shall not be less in depth or width than the minimum required in each zoning district.

Yard, Front - An open space between an adjacent street right-of-way and a line drawn parallel thereto, having a depth as specified in this Ordinance for a particular zoning district, and extending the full width of the lot.

Yard, Rear - An open area between the rear lot line and a line drawn parallel thereto, having a depth as specified in this Ordinance for a particular zoning district, and extending for the full depth of the lot, except that in the case where the rear lot line is included in a service street, the rear yard shall be between the right-of-way line of the service street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

Yard, Side - An open area between the side lot line and a line drawn parallel thereto, having a depth as specified in this Ordinance for a particular zoning district and extending from the front yard to the rear yard, except that in the case where the side lot line is included within a service street, the side yard shall be between the right-of-way line of the service street nearest the principal use or building on the lot and a line drawn parallel to such right-of-way line of the service street.

Zoning Hearing Board – The Alsace Township Zoning Hearing Board.

Zoning Map – The Official Zoning Map of Alsace Township adopted hereunder, together with all amendments thereto subsequently adopted.

Zoning Officer – The Alsace Township Zoning Officer.

Zoning Ordinance – The Alsace Township Zoning Ordinance, as amended.

ARTICLE III ZONING DISTRICTS

Section 300. TYPES OF ZONING DISTRICTS

In order to carry out the objectives of this Zoning Ordinance, the Township of Alsace has been divided into the following Zoning Districts:

R-2	Woodland Conservation and Rural Farm
R-3	Rural Residential
R-4	Suburban Residential
C-1	Commercial
I	Industrial

Section 301. OFFICIAL ZONING MAP

- A. The boundaries of the Zoning Districts shall be as shown on the official Zoning Map of the Township. The official Zoning Map, together with all notations, references and data shown thereon, is hereby adopted, incorporated by reference into, and declared to be a part of this Ordinance.
- B. The original copy of the Official Zoning Map shall be so labeled and identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board and shall bear the seal of the Township over the following words: "This is to certify that this is the Official Zoning Map of The Township of Alsace adopted _____, 2017"
- C. If the Official Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the Chairman and Secretary of the Board of Supervisors.
- D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede such prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map of the Township of Alsace adopted _____, 2017"

Section 302. DISTRICT BOUNDARIES - RULES FOR INTERPRETATION

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the center lines of roads, highways, lanes, alleys, railroad tracks, rivers or creeks, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are indicated as approximately coinciding with lot lines or municipal boundary lines, such lines shall be construed to be such boundaries.
- C. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of roads, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distances as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map by the Township Zoning Officer.
- D. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of roads or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
- E. Boundaries indicated as extensions of features indicated in paragraphs A through D above shall be so construed.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by paragraphs A through E above, the Zoning Hearing Board shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, at the election of the Township Supervisors, the regulations of either zoning district may be extended a distance of not more than one hundred feet (100') beyond the district boundary line into the remaining portion of the lot.

Section 303. APPLICATION OF DISTRICT REGULATIONS

- A. No building, structure or land shall be used and no building, structure or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed, or structurally altered without the issuance of a zoning and/or building permit by the Zoning Officer. No building, structure, or land shall be occupied without the issuance of a Certificate of Use and Occupancy by the Zoning Officer.
- B. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall be included as part of a yard, common open space, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Township Ordinances or regulations.
- C. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.
- D. Where district regulations specify a minimum lot width at the road line, the minimum lot width shall be provided contiguous along the road line of one road. It is prohibited, when calculating the width of a lot, to add widths along the road lines of two (2) or more roads. In the case of a corner lot, the minimum lot width must be provided along the road line of one road, but does not have to be provided along the road line of each road on which the lot fronts.
- E. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one road. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two (2) or more roads, in the case of a corner lot, the minimum lot width must be provided along the building setback line established from one road, but does not have to be provided along the building setback line established from each road on which the lot fronts.
- F. In the case of a lot of irregular shape in which a portion of the lot abuts a road and a portion not abutting a road abuts the rear yards of lots which have frontage on the same road as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

ARTICLE IV RURAL AND RESIDENTIAL ZONING DISTRICTS

Section 400. R-2 WOODLAND CONSERVATION AND RURAL FARM DISTRICT

Section 401. SPECIFIC INTENT

In addition to the general goals listed in Section 101, it is the purpose of this district to encourage woodland conservation, rural conservation, and farming by preserving natural features such as forests, watersheds and watercourses, and farm land while perpetuating the rural atmosphere, open space and scenic landscapes. Residential use is allowed provided that sufficient space is available for on-lot sewage disposal which will not create any menace to public health, and natural features are not unduly disturbed.

Section 402. USE REGULATIONS

A. Uses by Right

Buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

1. One single-family detached dwelling.
2. Farming and agricultural use, except intensive farming and agriculture, provided that any building used for the keeping or raising of livestock or poultry shall be located not less than fifty feet (50') from any road line or lot line.
3. One single-family dwelling along with agricultural use.
4. One home occupation or accessory professional office, subject to the requirements of Section 615.
5. Accessory buildings.
6. Signs, subject to the requirements of Section 614.
7. Forestry.
8. No-impact, home-based business.
9. Municipal use.
10. Solar energy systems, subject to the requirements of Section 641.

B. Uses by Special Exception

These uses may be granted by the Zoning Hearing Board subject to all restrictions, controls and safeguards imposed on such uses or similar uses by any local, state or federal health, safety and/or environmental protection and/or control agency and shall be subject further to reasonable aesthetic conditions (landscaping screens, fences, buffer zones, etc.) imposed for this and/or any other Zoning District as embodied in any other section of this Ordinance.

1. Fire station.
2. Church.
3. Indoor storage facilities on lots of at least three (3) acres, subject to the requirements of Section 639.

Section 403. AREA AND BULK REGULATIONS

The following regulations shall be observed for every building and use:

A. Minimum Regulations

Building setback line	75	Feet
Lot size	3	Acres
Lot width	225	Feet

Yard Requirements

Rear yard	50	Feet
Side yard		
Total	100	Feet
One side	40	Feet

B. Maximum Regulations

Building height	40	Feet
Lot Coverage	15	Percent

Note: Refer to Specific Terms in Section 201

Sections 404 – 419 RESERVED FOR FUTURE USE

Section 420. R-3 RURAL RESIDENTIAL DISTRICT

Section 421. SPECIFIC INTENT

In addition to the general goals listed in Section 101, it is the purpose of this district to encourage residential development which will blend with existing uses and retain the basic rural and suburban characteristics of the Township. Residential uses should not create a threat to the health of adjacent properties and the natural environmental features of the Township.

Section 422. USE REGULATIONS

A. Uses by Right

Buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

1. One single-family detached dwelling.
2. One single-family semi-detached dwelling.
3. One two-family detached dwelling.
4. Farming and agricultural use, except intensive farming and agriculture, provided that any building used for the keeping or raising of livestock or poultry shall be located not less than fifty feet (50') from any road line or lot line.
5. One single-family dwelling along with agricultural use.
6. Woodland or game preserve, wildlife sanctuary, or conservation use.
7. One home occupation or accessory professional office, subject to the requirements of Section 615.
8. Accessory buildings.
9. Signs, subject to the requirements of Section 614.
10. Forestry.
11. No-impact, home-based business.
12. Municipal use.
13. Solar energy systems, subject to the requirements of Section 641.

B. Uses by Special Exception

These uses may be granted by the Zoning Hearing Board subject to all restrictions, controls and safeguards imposed on such uses or similar uses by any local, state or federal health, safety and/or environmental protection and/or control agency and shall be subject further to reasonable aesthetic conditions (landscaping screens, fences, buffer zones, etc.) imposed for this and/or any other zoning district as embodied in any other section of this Zoning Ordinance.

1. Fire station.
2. Church.
3. Park, playground or similar noncommercial recreational area owned and operated by a private nonprofit agency, as defined by the Pennsylvania Department of Revenue.
4. Indoor storage facilities on lots of at least three (3) acres, subject to the requirements of Section 639.

Section 423. AREA AND BULK REGULATIONS

The following regulations shall be observed for every building and use:

A. Minimum Regulations

Building setback line		50	Feet
Lot size		$\frac{3}{4}$	Acre with public sewer
		2	Acres without public sewer
Lot Width	$\frac{3}{4}$ Acre Lot	130	Feet
	2 Acre Lot	185	Feet
Rear yard		50	Feet
Side yard			
Total of two sides		50	Feet
One side		20	Feet

Single Family semi-detached buildings shall have no side yard on side of party wall

B. Maximum Regulations

Building height	40	Feet
Lot coverage	15	Percent

Note: Refer to Specific Terms in Section 201

Sections 424 - 429 RESERVED FOR FUTURE USE

Section 430. R-4 SUBURBAN RESIDENTIAL DISTRICT

Section 431. SPECIFIC INTENT

In addition to the general goals listed in Section 101, it is the purpose of this district to maintain existing residential areas which have the potential of being serviced by public water and sewage systems, and to provide areas of the Township where the soils are most suitable for the greatest density permitted by on-lot sewer and water facilities.

Section 432. USE REGULATIONS

A. Uses by Right

Buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

1. One single-family detached dwelling.
2. One single-family semi-detached dwelling.
3. One two-family detached dwelling.
4. One single-family attached dwelling (townhouse), one two-family attached dwelling, or apartment building.
5. One single-family dwelling along with agricultural use.
6. Woodland or game preserve, wildlife sanctuary, or conservation use.
7. Farming and agricultural use, except intensive farming and agriculture, provided that any building used for the keeping or raising of livestock or poultry shall be located not less than fifty feet (50') from any road line or lot line.
8. One home occupation and accessory professional office, subject to the requirements of Section 615.
9. Accessory buildings.
10. Signs, subject to the requirements of Section 614.
11. Forestry.
12. No-impact, home-based business.
13. Municipal use.
14. Solar energy systems, subject to the requirements of Section 641.

B. Uses by Special Exception

These uses may be granted by the Zoning Hearing Board subject to all restrictions, controls and safeguards imposed on such uses or similar uses by any local, state or federal health, safety and/or environmental protection and/or control agency and shall be subject further to reasonable aesthetic conditions (landscaping screens, fences, buffer zones, etc.) imposed for this and/or any other Zoning District as embodied in any other section of this Ordinance.

1. Church or other religious use.
2. School or other educational institution on a lot of not less than three (3) acres.
3. Hospital, convalescent home or similar institution on a lot of not less than three (3) acres.
4. One residential conversion in accordance with Section 630.
5. Mobile home parks subject to special regulations herein. Also, see Section 628 and/or other Ordinances concerning "Mobile Home Parks".
6. Park, playground, or similar noncommercial recreational area owned and operated by a private nonprofit agency, as defined by the Pennsylvania Department of Revenue.
7. Fire station.
8. Indoor storage facilities on lots of at least three (3) acres, subject to the requirements of Section 639.

Section 433. AREA AND BULK REGULATIONS

The following regulations shall be observed for every building and use:

A. Minimum Regulations

Building setback line		30	Feet
Lot size		½	Acre with public sewer
		2	Acres without public sewer
Lot width			
	½ Acre Lot	90	Feet
	2 Acre Lot	185	Feet
Yard Requirements			
Rear yard		25	Feet
Side yard			
Total of two sides		50	Feet
One side		20	Feet

B. Maximum Regulations

Building height	40	Feet
Lot coverage	25	Percent

C. Density

There shall be no more than six (6) dwelling units per acre in this district with public water and public sewer.

Note: Refer to Specific Terms in Section 201

ARTICLE V COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Section 500. C-1 COMMERCIAL DISTRICT

Section 501. SPECIFIC INTENT

In addition to the general goals listed in Section 101, it is the purpose of this district to provide an area to accommodate commercial activities. Provision is made for the preservation of existing commercial uses and allowance for their orderly expansion.

Section 502. USE REGULATIONS

A. Uses by Right

Buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

1. Retail business establishments such as, but not limited to, food, drug, appliance, hardware, household supplies, liquor, newspaper, periodicals, stationery and tobacco.
2. Service establishments such as, but not limited to, barber shops, beauty shops, restaurants, taverns, laundry and cleaning shops.
3. Business and professional offices.
4. Banks and fiduciary institutions.
5. Government, public utility, or civic building or use; fire station.
6. Apartment Building
7. Funeral home.
8. Private recreational establishment; indoor places of amusement, recreation or assembly.
9. Restaurant with drive-in service, subject to the following requirements:
 - a. Minimum lot size shall be one acre.
 - b. A buffer strip along the front lot line of not less than ten feet (10') shall be provided, except where entrance and exit drives exist.
10. Gasoline service station subject to the following additional requirements:
 - a. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.
 - b. Fuel pumps may be located within the front yard.
 - c. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
11. Rooming and boarding houses.
12. Educational or institutional use.
13. Car lot and trailer sales agency
14. Hotel or motel on a lot of not less than two (2) acres.
15. Car washing facility subject to the following requirements:
 - a. Minimum lot size shall be one acre.
 - b. No structure shall be located closer than seventy-five feet (75') to any lot line.
 - c. An approach drive to accommodate a minimum of ten (10) cars shall be constructed for the purpose of avoiding an accumulation of cars backing up on a public thoroughfare.
 - d. A water recovery and recycling system approved by the Township shall be required to minimize the consumption of water.
16. Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers, communications equipment buildings.
17. Wireless telecommunication towers.
18. Roadside stands for sale of agricultural products grown within the Township.
19. Shopping center.

20. Commercial campground.
21. Greenhouse/Nursery.
22. Kennel, subject to the requirements of Section 637
23. Farming and agricultural use, provided that any building used for the keeping or raising of livestock or poultry shall be located not less the fifty feet (50') from any road or property line.
24. Home occupation and accessory professional office, subject to the requirements of Section 615.
25. Accessory buildings.
26. Signs, subject to the requirements of Section 614.
27. No-impact, home-based business.
28. Solar energy systems, subject to the requirements of Section 641.
29. Forestry.

B. Uses by Special Exception

These uses may be granted by the Zoning Hearing Board subject to all restrictions, controls and safeguards imposed on such uses or similar uses by any local, state or federal health, safety and/or environmental protection and/or control agency and shall be subject further to reasonable aesthetic conditions (landscaping screens, fences, buffer zones, etc.) imposed for this and/or any other Zoning District as embodied in any other section of this Ordinance.

1. Laboratory.
2. Wholesale warehouses or distribution facility.
3. Lumber and building material warehouse or distribution facility.
4. Printing or publishing establishment.
5. Indoor storage building or warehouse, subject to the requirements of Section 639.
6. Contractor and general service shop.
7. Laundry.
8. Outdoor storage facility, subject to
 - a. Maximum building length of two hundred feet (200'); and
 - b. A lot size of at least three (3) acres.
9. Adult entertainment uses as defined in this Ordinance, subject to the requirements of Section 638 and all other requirements of this Ordinance relating to non-residential and non-agricultural uses.

C. Uses by Conditional Use Permit

Any of the following uses when authorized by the Board of Supervisors subject to any standards or requirements listed below and in applicable Sections of this Ordinance.

1. Communications towers and communications equipment buildings, subject to the requirements set forth in Section 632, Section 633, and Section 634.
2. Signs which direct attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere than upon the premises where the sign is located, or to which it is affixed. See Section 614 D.5.
3. Wind energy systems, subject to the requirements of Section 640.
4. Dispensaries for medical marijuana, subject to the requirements of Section 646.

Section 503. AREA AND BULK REGULATIONS

The following regulations shall be observed for every building and use:

A. Minimum Regulations			
Lot Size			
		1 Acre	With Public Sewer
		2 Acres	Without Public Sewer
Lot Width			
	1 Acre Lot	130	Feet
	2 Acre Lot	185	Feet
Building Setback			
		50	Feet
Yard Requirements			
	Side yard per side		20 Feet
	Rear yard		35 Feet
Road access point separation		150	Feet

B. Maximum Regulations			
	Building height	40	Feet
Lot coverage			
Commercial and	Industrial Uses	60	Percent
	Residential Use	15	Percent
Building Length		240	Feet

Note: Refer to Specific Terms in Section 201

Section 504. PERFORMANCE STANDARDS

- A. The following regulations shall be observed:
1. No potentially dangerous effluent from operations shall be discharged.
 2. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot boundaries.
 3. No flashing or moving signs shall be permitted.
 4. No sign-facing shall be readable from the rear of the property where it abuts a residential district.
 5. No loading shall be permitted in the area between the building setback line and the road line.
 6. No testing, cleaning and repairing shall be conducted in an open area nor shall such materials, goods or products be stored in an open space.

Sections 505 – 509 RESERVED FOR FUTURE USE

Section 510. I INDUSTRIAL DISTRICT

Section 511. SPECIFIC INTENT

It is the purpose of this district to provide for light industrial and related activities, subject to performance standards set forth in this Ordinance, and all building, health, and safety regulations of the Township, county or state where applicable.

Section 512. USE REGULATIONS

A. Uses by Right

Buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

1. Government, public utility, or civic building or use; fire station.
2. Private recreational establishment; indoor places of amusement, recreation or assembly.
3. Gasoline service station, subject to the following additional requirements:
 - a. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.
 - b. Fuel pumps may be located within the front yard.
 - c. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
4. Educational or institutional use.
5. Car lot and trailer sales agency.
6. Car washing facility, subject to the following requirements:
 - a. Minimum lot size shall be one (1) acre.
 - b. No structure shall be located closer than seventy-five feet (75') to any lot line.
 - c. An approach drive to accommodate a minimum of ten (10) cars shall be constructed for the purpose of avoiding an accumulation of cars backing up on a public thoroughfare.
 - d. A water recovery and recycling system approved by the Township shall be required to minimize the consumption of water.
7. Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers, and communications equipment buildings.
8. Wireless telecommunication towers.
9. Roadside stands for sale of agricultural products grown within the Township.
10. Commercial campground.
11. Greenhouse/Nursery.
12. Kennel, subject to the requirements of Section 637
13. Farming and agricultural use, provided that any building used for the keeping or raising of livestock or poultry shall be located not less the fifty feet (50') from any road or property line.
14. Home occupation and accessory professional office, subject to the requirements of Section 615.
15. Accessory Buildings.
16. Signs, subject to the requirements of Section 614
17. Forestry.
18. No-impact, home-based business.
19. Quarry.
20. Intensive Agricultural Uses.
21. Laboratory.
22. Wholesale warehouses or distribution facility.
23. Lumber and building material warehouse or distribution facility.

24. Printing or publishing establishment.
25. Indoor storage building or warehouse, subject to the requirements of Section 639.
26. Contractor and general service shop.
27. Outdoor Storage Facility, subject to
 - a. A lot size of at least three (3) acres.
28. Trucking use.
29. Solar energy systems, subject to the requirements of Section 641.

B. Uses by Special Exception

These uses may be granted by the Zoning Hearing Board subject to all restrictions, controls and safeguards imposed on such uses or similar uses by any local, state or federal health, safety and/or environmental protection and/or control agency and shall be subject further to reasonable aesthetic conditions (landscaping screens, fences, buffer zones, etc.) imposed for this and/or any other Zoning District as embodied in any other section of this Ordinance.

1. Manufacture of:
 - a. Graphite and graphite products.
 - b. Hair, felt, feathers and similar products.
 - c. Ink; colors.
 - d. Iron and steel products (including fabrication and assembly). Also recycling and reprocessing.
 - e. Jute, hemp, sisal, and oakum products.
 - f. Paper products (bulk).
 - g. Rubber products, including tires and tubes.
 - h. Wax products, manufactured from paraffin.
 - i. Wood products, including sawmills.
2. Metal and metal products treatment, processing such as enameling, lacquering, galvanizing and electroplating; metal casting and foundry products, metal alloys, reduction, refining and smelting of precious and rare metals only.
3. Production, collection and/or distribution of shoddy or shoddy waste.
4. Textile bleaching.
5. Packing and processing of meat and fish (not including slaughtering).
6. Power and steam generating plants.
7. Processing of stone products, such as abrasives, asbestos and sand and lime products.
8. Wool scouring and pulling.
9. Landfills, industrial and sanitary.
10. Junkyard.
11. Adult entertainment uses as defined in this Ordinance, subject to the requirements of Section 638 and all other requirements of this Ordinance relating to non-residential and non-agricultural uses
12. Commercial composting and Mushroom Production uses
13. Unidentified land uses, or other land uses, subject to Section 516 of this Zoning Ordinance.

C. Uses by Conditional Use Permit

Any of the following uses when authorized by the Board of Supervisors subject to any standards or requirements listed below and in applicable Sections of this Ordinance.

1. Communications towers and communications equipment buildings, subject to the requirements set forth in Section 632, Section 633, and Section 634.
2. Signs which direct attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere than upon the premises where the sign is located, or to which it is affixed. See Section 614 D.5.

- 3. Wind Energy Systems, subject to the requirements of Section 640.
- 4. Wind Farms, subject to the requirements of Section 642.
- 5. Solar Farms, subject to the requirements of Section 643.
- 6. Grower/processor for medical marijuana, subject to the requirements of Section 645.

Section 513. AREA, YARD AND HEIGHT REQUIREMENTS

The following regulations shall be observed for every building and use:

A. Minimum Regulations

Lot Size		1 Acre	With Public Sewer
		2 Acres	Without Public Sewer
Road frontage			
	1 Acre Lot	130	Feet
	2 Acre Lot	185	Feet
Building setback		50	Feet
Yard Requirements			
	Side yard per side		20 Feet
	Rear yard		35 Feet
Road access point separation		100	Feet

B. Maximum Regulations

Building height		40	Feet
Lot coverage			
	Commercial and Industrial Uses	70	percent
	Residential Uses	15	percent

Note: Refer to Specific Terms in Section 201

Section 514. PERFORMANCE STANDARDS

- A. The Township Supervisors and Zoning Hearing Board or any health, safety and welfare agency may require safeguards to assure compliance with the performance standards as set forth in the general regulations, or standards imposed by any of these agencies independently. On request, landowners or those with a legal interest in the land shall provide proof at their own expense that they are in compliance with such standards.
- B. All regulations of all other relevant governmental agencies having jurisdiction shall be complied with and applicant shall provide adequate evidence thereof.

Section 515. SANITARY LANDFILLS, RECOVERY FACILITIES, TRANSFER STATIONS

- A. These regulations shall pertain in conjunction with and in addition to controls and restrictions imposed for other uses in this zone by this Ordinance or any other regulatory agency or body.
- B. The construction and operations of a sanitary landfill, resource recovery facility, and transfer station shall not be permitted unless a permit for such use has been issued by the Pennsylvania Department of Environmental Protection and the facility is constructed and operated in accordance with all federal, state and local laws and regulations.
- C. In addition to the aforementioned the following restrictions shall apply:
 - 1. Minimum lot size shall be twenty-five (25) acres.
 - 2. No more than one access road shall be constructed to the entrance of the facility. The access road shall be an all-weather road negotiable by loading solid waste collection vehicles.
 - 3. An all-weather access road negotiable by loaded collection vehicles shall be provided from the entrance of the facility to the dumping area.
 - 4. Maximum active dumping area shall be five (5) acres. Continued operation of the facility shall be subject to compliance with all state and municipal regulations pertaining to facility.
 - 5. No operations shall be carried on within fifty feet (50') of any property lines of the facility or within fifty feet (50') of any road right-of-way.
 - 6. No dumping shall be permitted on Sundays or legal holidays. Dumping permitted only between the hours of 7:30 a.m. and 5:30 p.m.
 - 7. The storage of fuel to be used on the facility shall be in accordance with all applicable federal, state and municipal regulations.
 - 8. Gaseous and particulate emission from the facility shall conform to the prevailing federal, state and local air pollution control codes and regulations.
 - 9. A fence of a minimum height of six feet (6') shall be erected along all boundary lines of the area which is approved for use by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than nine (9) square inches and shall contain, at all entrances, gates which are locked except during operating hours. An evergreen screen of a minimum height of six feet (6') shall be maintained along all boundary lines of the facility, except at entrances.
 - 10. A plan for the reuse of land shall be submitted, in writing, to the Alsace Township Supervisors for their approval at the time of application for a permit for a landfill. The plan shall be in compliance with the prevailing zoning at time of re-use.

Section 516. UNDEFINED OR OTHER LAND USES

- A. Other types of land uses, not specifically identified or recognized within this Ordinance, may evolve or become commonly acceptable as a reasonable use. It is the purpose of this section to provide for all reasonable and appropriate land uses and to establish a mechanism for the inclusion of such land uses within Alsace Township.
- B. All undefined or other reasonable land uses that are not recognized by this Ordinance shall be permitted by Special Exception within the I (Industrial) Zoning District.
- C. Unless otherwise permitted by the Zoning Hearing Board as part of the Special Exception application, the following design and development requirements shall apply to all undefined or other reasonable land uses, which are not recognized by this Ordinance:
 - 1. A minimum of twenty (20) acres of net land area shall be required to accommodate the undefined use. Depending upon the complexity or intensity of the proposed undefined land use, the Zoning Hearing Board may consider a reduction of the minimum area requirement, however, in no case shall the minimum lot size be reduced to less than five (5) contiguous net areas of land.
 - 2. The undefined use shall be serviced by a public water supply system or by a private water supply system approved and permitted by Alsace Township and the Pennsylvania Department of Environmental Protection. As part of the Special Exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the undefined use.
 - 3. Depending upon the complexity or intensity of the undefined use, the Zoning Hearing Board shall establish the minimum and maximum dimensional requirements as part of the Special Exception application. These provisions shall include the lot width, setback requirements (front, side and rear), height, building coverage and lot coverage requirements for the undefined use.
- D. As part of the Special Exception application, the Zoning Hearing Board shall consider the following information and documentation submitted to Alsace Township on behalf of the applicant:
 - 1. The applicant shall submit a request for inclusion of and undefined or other reasonable land use that is not recognized as part of this Ordinance, with illustrations and complete documentation that completely describes the land use activity and the manner in which it differs from the permitted uses defined or permitted by this Ordinance.
 - 2. Prior to the commencement of the hearing on the Special Exception application, the Zoning Officer shall review the submission and advise the Planning Commission and Board of Supervisors if the application meets the purpose and objectives of this section of this Ordinance.

ARTICLE VI GENERAL REGULATIONS

Section 600. ACCESS TO STRUCTURES

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public road or a private road, or on a lot for which a legally recorded right of access to a public or private road exists. After the effective date of this Ordinance, no lot shall be created unless it has road frontage (refer to Specific Terms, Section 201) at least equal to the lot width requirements of the Zoning District in which the lot is located.

Section 601. ACCESSORY BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL ZONING DISTRICTS

A. General

1. A private garage or other building or structure accessory to a dwelling, which is not a structural part of the dwelling, may be erected in the required rear or side yards, provided that such accessory building or structure shall be situated:
 - (1) not less than ten feet (10') from any property line and
 - (2) not less than ten feet (10') further back from the street line than the rear-most portion of the dwelling, and provided
 - (3) that such accessory building shall not exceed twelve feet (12') in height and three hundred fifty (350) square feet in area.
2. The maximum height of any accessory building or structure shall be twenty feet (20').
3. The minimum distance between any accessory buildings or structures shall be five feet (5'). The minimum distance between any accessory building or structure and a principal building shall be ten feet (10').
4. No permanent accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

B. Use Regulations

1. Swimming Pools, Hot Tubs, and Spas - These structures and uses shall comply with the definitions, standards, and requirements of the currently adopted building code of Alsace Township.
2. Non-Agricultural Accessory Buildings – The maximum building area shall be two thousand four hundred (2,400) square feet.
3. Apartment and Townhouse Accessory Uses – These structures and uses shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.
4. Tennis Courts – These structures shall have permanent fences at least ten feet (10') in height behind each baseline.
5. Patios, Paved Terraces, and Open Porches – These structures shall not be located closer than five feet (5') to any property line, except a property line which is an extension of a common wall, and shall not project into any required front yard.
6. Keeping of Animals - The keeping of a domestic farm animal or five or more chickens, ducks, roosters, geese, pigeons, or other fowl, shall be considered an agricultural use, subject to Section 605 of this Ordinance.
7. Earth Station Satellite Receiving Dishes - All free standing earth station satellite receiving dishes, mounted at ground level, shall be considered accessory structures and the same shall be subject to the provisions of Section 602.A of this Ordinance.

8. Foundation requirement – Foundation requirements must comply with the current Uniform Construction Code in place at time of application.
9. Solar Energy Systems – These systems shall be permitted as an accessory use in all districts, subject to the provisions of Section 641 of this Ordinance.
10. Outdoor Solid Fuel Burning Furnaces – These furnaces shall be permitted as an accessory use in all districts, subject to the provisions of Section 644 of this Ordinance.

Section 602. ACCESSORY BUILDINGS, STRUCTURES AND USES IN NON-RESIDENTIAL ZONING DISTRICTS

- A. General
 - A. No building, use, facility, or structure shall be located within any required front yard as set forth in this Ordinance, or within ten feet (10') of the rear or side lot lines.
 - B. The minimum distance between any accessory buildings or structures shall be ten feet (10'). The minimum distance between any accessory building or structure and a principal building shall be ten feet (10').
- B. Use Regulations
 1. Storage Facilities - All such facilities shall be located in areas which have direct access to a road or driveway. The outdoor storage, when permitted, of all types shall be completely screened from view from adjoining properties and roads.
 2. Cafeterias – These facilities shall be limited to use by employees and conducted within a building.
 3. Solar Energy Systems – Solar energy systems shall be permitted as an accessory use in all districts, subject to the provisions of Section 641 of this Ordinance.
 4. Outdoor Solid Fuel Burning Furnaces – These furnaces shall be permitted as an accessory use in all Zoning Districts, subject to the provisions of Section 644 of this Ordinance.

Section 603. LANDSCAPING

- A. Where regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting. Complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials and the placement, size, materials and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Ordinance.
- B. Plant materials used in screen planting shall be at least five feet (5') in height when planted and shall be of such species and size to produce, within three (3) years, a complete twelve (12) month visual screen at least seven feet (7') in height.
- C. The screen planting shall be maintained permanently and plant material which does not provide adequate screening shall be replaced within three (3) months, the adequacy and seasonal planting times shall be the at the discretion of the Zoning Officer.
- D. The screen planting shall be so placed that at maturity it will not be closer than three feet (3') from any lot line. In cases where the lot line falls within the right-of-way of a road, the road line shall be used for this measurement.

- E. At all new intersections of one road with another road a clear sight triangle shall be established and maintained. At such intersections that are pre-existing, modifications to the size of the triangle may be authorized by the Zoning Officer for Township roads, and PennDOT for State roads.

Within the area of such triangles no object shall be permitted which obstructs the vision above a height of thirty inches (30") and below a height of ten feet (10'), except utility poles, road lighting poles, road signs, and traffic signals.

- F. Visual screens shall be broken only at points of vehicular or pedestrian access.
- G. For non-residential and non-agricultural uses, any part of a site which is not used for building or paved area shall be planted with an all-season ground cover and shall be landscaped according to an overall plan in keeping with the natural surroundings. Any single parking area with fifty (50) or more spaces shall utilize at least five percent (5%) of its area in landscaping, which shall be in addition to the open area requirements of the applicable zoning district.
- I. A fence, when erected as a screen, shall be at least eight feet (8') in height and shall be placed no closer than five feet (5') from any road or property line.

Section 604. LIGHTING

When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and roads. No direct beams of light shall be directed toward adjacent properties or roads. No lighting shall be utilized in such a manner to produce a noxious glare or a light intensity greater than one foot-candle beyond the lot boundaries.

Section 605. AGRICULTURAL USE REGULATIONS

- A. The term "agricultural operation" shall include general agricultural uses, intensive agricultural uses, commercial composting facilities, mushroom production operations, farm-related businesses, farm-support businesses, nurseries, greenhouses, and all other accessory agricultural uses.
- B. The provisions for general agricultural uses are further specified under Section 605-G of this Ordinance.
- C. The provisions for intensive agricultural uses are further specified under Section 605-H of this Ordinance.
- D. The provisions for commercial composting and mushroom production uses are further specified under Section 605-I of this Ordinance.
- E. When a separate lot intended for the placement of a single family detached dwelling will be created from a tract of land on which a barn or other shelter for animals, fowl, or poultry, a feed yard, a building in which mushrooms are grown, a manure storage area, or a slaughter area exists, the lot shall be so located so that no portion of the lot is closer than one hundred fifty feet (150') to any such barn or other shelter for animals, fowl, or poultry, feed yard, building in which mushrooms are grown, manure storage area, or slaughter area.

Section 605-G. GENERAL AGRICULTURAL USES

- A. General agricultural uses, as further defined under Article II of this Ordinance, shall be a permitted use by right with the R-2, R-3, R-4, C-1 and I Zoning Districts.
- B. General agricultural uses may include the following uses: the cultivation of the soil for the raising and harvesting of produce or crops; nurseries; greenhouses; horticulture operations the raising of livestock and animal husbandry operations; dairy farm; silvicultural and aquacultural uses; and other general agricultural uses, as determined by the Alsace Township Zoning Officer.
- C. The raising and ownership of farm animals as a general agricultural use shall be limited based upon contiguous acre relating to animal units (see definitions).
- D. The following minimum and maximum dimensional requirements shall apply to general agricultural uses:
 - 1. A minimum of three (3) acres of contiguous net land area shall be required.
 - 2. The minimum lot width requirements for general agricultural uses shall be one hundred feet (100').
 - 3. All buildings and structures utilized for general agricultural uses shall be located at least fifty feet (50') from any property line or street right-of-way line.
 - 4. The maximum height of all building and structures shall be fifty feet (50').
 - 5. The total building coverage for general agricultural uses shall be ten percent (10%) of the lot area. The total lot coverage for general agricultural uses shall be twenty percent (20%) of the lot area.
 - 6. All general agricultural uses exceeding the provisions of this section shall be considered as intensive agricultural use, which are further regulated under Section 605-H of this Ordinance.
 - 7. All general agricultural uses and activities shall comply with all local, state and federal laws concerning manure, management, nutrient management, fertilizer applications, sewage disposal, water supply, stormwater management, erosion and sedimentation control, vehicular accessibility and solid waste management.
 - 8. Accessory uses may be permitted for the general agricultural uses, provided they are conducted on the same lot and are permitted by Alsace Township.

Section 605-H. INTENSIVE AGRICULTURAL USES

- A. Intensive agricultural uses, as further defined under Article II of this Ordinance, shall be a permitted use by Special Exception with the R-2, R-3, and I Zoning Districts.
- B. Intensive agricultural uses may include the following uses: specialized agricultural activities; mushroom production facilities; intensive livestock operations; intensive produce operations; intensive dairy and egg production facilities; poultry production facilities; pork production facilities or pig farms; and other general agricultural uses, as determined by the Alsace Township Zoning Officer.

- C. The raising and ownership of farm animals as an intensive agricultural use shall be limited based upon contiguous acres relating to animal units.
- D. The following minimum and maximum dimensional requirements shall apply to intensive agricultural uses:
 - 1. A minimum of twenty-five (25) acres of contiguous net land area shall be required to accommodate intensive agricultural uses and activities in the R-2, R-3 and I Zoning Districts.
 - 2. The minimum lot width requirement for intensive agricultural uses shall be three hundred feet (300').
 - 3. All buildings and structures utilized for intensive agricultural uses shall be located at least two hundred feet (200') from any property line or street right-of-way line.
 - 4. All intensive agricultural uses and facilities shall be located at least one hundred feet (100') from all streams or surface water.
 - 5. The maximum height of all buildings and structures utilized for intensive agricultural uses shall not exceed fifty feet (50').
 - 6. The total building coverage for general agricultural uses shall be ten percent (10%) of the lot. The total lot coverage for general agricultural uses shall be twenty percent (20%) of the lot.
- E. The intensive agricultural use shall be serviced by on-lot sanitary sewer facilities approved and permitted by Alsace Township and the Pennsylvania Department of Environmental Protection.
- F. The intensive agricultural use shall be serviced by a private water supply system approved and permitted by Alsace Township and the Pennsylvania Department of Environmental Protection. As part of the Special Exception Application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed intensive agricultural uses.
- G. All intensive agricultural uses relating to commercial composting and mushroom production uses shall be further regulated under the provisions of Sections 605-I of this Ordinance.
- H. Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within one hundred feet (100') of any lot line.
- I. Solid and liquid waste shall be disposed of in a manner to avoid insect rodent or pest problems.
- J. All intensive agricultural uses and activities shall comply with all local, state and federal laws concerning manure management, nutrient management, fertilizer applications, sewage disposal, water supply, stormwater management, erosion and sedimentation control, air quality management, vehicular accessibility and solid waste management. Where appropriate, the applicant shall submit plans or other forms of documentation to demonstrate that the intensive agricultural use shall comply with all pertinent local, state and federal laws.
- K. A Nutrient Management Plan (NMP) shall be completed for the intensive agricultural use in accordance with local, state and federal requirements. The NMP should identify how the potential adverse impacts associated with the intensive agricultural use will be mitigated and/or prevented. The NMP shall be submitted to Alsace Township with the Special Exception application.

- L. A Traffic Impact Study (TIS) shall be conducted in order to assess both existing and future transportation conditions and needs within three thousand feet (3,000') of the tract boundary (regional study area). The applicant shall consult with Alsace Township to confirm the limits of the regional study area. The TIS should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The TIS shall be submitted to Alsace Township with the Special Exception application.
- M. An Environmental Impact Assessment (EIA) Report shall be conducted in accordance with the procedures and requirements specified by this Zoning Ordinance. The EIA Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The EIA shall be submitted to Alsace Township with the Special Exception Application.
- N. As part of the Special Exception application, the applicant shall provide evidence that the intensive agricultural uses or activities shall comply with the provisions established in this Zoning Ordinance.
- O. The applicant will be required to provide proof of compliance with the building siting and manure management requirements for the Concentrated Animal Operation and any other applicable uses under the Nutrient and Odor Management Act.
- P. If the Zoning Hearing Board approves the Special Exception application, a complete land development plan shall be submitted to Alsace Township for review, consideration and approval. The land development plan shall comply with all conditions of approval issued as part of the Special Exception application.

Section 605-I.COMMERCIAL COMPOSTING AND MUSHROOM PRODUCTION USES

- A. Commercial composting uses and mushroom production uses, as further defined under Article II of this Ordinance, shall be permitted by special exception within the I Zoning District.
- B. Commercial Composting uses may include the accumulation of biodegradable and organic materials from approved uses including landscaping uses, nursery uses, forestry uses, and other similar uses, as determined appropriate by Alsace Township, whereas, the composed materials and residual waste are packaged, processed and/or transported from the commercial composting facility and utilized for other applications.
- C. Mushroom production uses may include the accumulation of biodegradable and organic materials from permitted mushroom production uses, as determined appropriate by Alsace Township; whereas, the products and residual waste are packaged, processed and/or transported from the mushroom production facility and utilized for other applications.
- D. The following minimum and maximum dimensional requirements shall apply to commercial composting and mushroom production uses:
 - 1. A minimum of twenty-five (25) acres of contiguous net land area shall be required to accommodate the commercial composting or mushroom production use.
 - 2. The minimum lot width requirement for commercial composting or mushroom production uses shall be three hundred feet (300').
 - 3. All buildings and structures utilized for commercial composting or mushroom production uses shall be located at least two hundred feet (200') from any property line or street right-of-way line.
 - 4. All commercial composting or mushroom production and facilities shall be located at least one hundred feet (100') from all streams or surface water.
 - 5. The maximum height of all buildings and structures utilized for commercial composting or mushroom production uses shall not exceed thirty-five feet (35').

6. The total building coverage for general agricultural uses shall be ten percent (10%) of the lot. The total lot coverage for general agricultural uses shall be twenty percent (20%) of the lot.
- E. The commercial composting or mushroom production use shall be serviced by on-lot sanitary sewer facilities approved and permitted by Alsace Township and the Pennsylvania Department of Environmental Protection.
- F. The commercial composting or mushroom production use shall be serviced by a private water supply system approved and permitted by the Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed commercial composting or mushroom production uses.
- G. Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within one hundred feet (100') from any lot line.
- H. Solid and liquid waste shall be disposed of in a manner to avoid insect, rodent or pest problems.
- I. All commercial composting or mushroom production uses shall comply with all local, state and federal laws concerning manure management, nutrient management, fertilizer applications, sewage disposal, water supply, stormwater management, erosion and sedimentation control, air quality management; vehicular accessibility and solid waste management. Where appropriate, the applicant shall submit plans or other forms of documentation to demonstrate that the intensive agricultural use shall comply with all pertinent local, state and federal laws.
- J. A Nutrient Management Plan (NMP) shall be completed for the commercial composting or mushroom production use in accordance with local, state and federal requirements. The NMP should identify how the potential adverse impacts associated with the commercial composting or mushroom production use will be mitigated and/or prevented. The NMP shall be submitted to Alsace Township with the Special Exception Application.
- K. A Traffic Impact Study (TIS) shall be conducted in order to assess both existing and future transportation conditions and needs within three thousand feet (3,000') of the tract boundary (regional study area). The applicant shall consult with Alsace Township to confirm the limits of the regional study area. The TIS should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The TIS shall be submitted to Alsace Township with the Special Exception application.
- L. An Environmental Impact Assessment (EIA) Report shall be conducted in accordance with the procedures and requirements specified by this Ordinance. The EIA Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The EIA shall be submitted to Alsace Township with the Special Exception application.
- M. As part of the Special Exception Application, the applicant shall provide evidence that the commercial composting or mushroom production uses shall comply with the provisions established within this Ordinance.
- N. If the Zoning Hearing Board approves the Special Exception Application, a complete land development plan shall be submitted to Alsace Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the Special Exception application as well as all other provisions specified by Alsace Township.

- O. Notwithstanding the foregoing, the Township will also refer to the PADEP publication entitled "Best Practices for Environmental Protection in the Mushroom Farm Community" for any items not otherwise defined above.

Section 605-J. FARM-RELATED BUSINESS USES

- A. Farm-related business uses, as further defined under Article II of this Ordinance, shall be permitted by right in the R-2, R-3, R-4, C-1 and I Zoning Districts.
- B. Farm-related business uses may include accessory uses and activities, as defined by this section provided that the agricultural use is the primary use and the farm-related business use is a secondary or accessory use, which is compatible to the agricultural use. The farm-related business use shall be conducted in a manner that the agricultural use retains the visual character of a farm.
- C. Uses that exceed the provisions of this section may be permitted by Special Exception under the provisions for farm-support business uses, which are further specified under Section 605-K of this Ordinance.
- D. All farm-related business uses should be directed at meeting the needs of those engaged in an agricultural operation or use. A farm-related business use may including the following subordinate uses:
 - 1. Facilities for the manufacturing, warehousing, sales, repair and service of agricultural equipment, vehicles, or supplies;
 - 2. Blacksmith shops, farrier and harness making uses;
 - 3. Butcher shops and meat packaging uses;
 - 4. Processing and distribution of agricultural products;
 - 5. Feed supply and fertilizer distributors.
 - 6. Other uses of similar character as determined by the Zoning Officer.
- E. The following minimum and maximum dimensional requirements shall apply to an agricultural use with a permitting farm-related business use:
 - 1. A minimum of ten (10) acres of contiguous net land area shall be required to accommodate the agricultural use and the farm-related business use.
 - 2. The maximum land area designated for the farm-related business shall be no more than three (3) acres.
 - 3. All buildings or structures, utilized for the farm-related business use shall be located at least one hundred feet (100') from any side or property line or street right-of-way line.
 - 4. Outdoor storage of supplies, materials, or other products utilized for the farm-related business shall be located at least fifty feet (50') from any side or property line or street right-of-way line.
 - 5. The maximum height for any building or structure utilized for the farm-related uses shall be ten percent (10%).
 - 6. The total gross area of a building or structure utilized exclusively for a farm-related business use shall not exceed four thousand (4,000) square feet.
- F. Any building constructed for the use of a farm-related business shall be of a type or design that could be converted to an agricultural use in the event the farm-related business is discontinued.
- G. Farm-related uses located within the R-2, R-3, R-4, C-1 and I Zoning Districts shall consider the character and appearance of other uses located within one thousand feet (1,000') of the property lines.

- H. The farm-related business shall be owned and operated by the farmer in residence on the property. No more than three (3) full time equivalent employees shall be employed at the farm for the farm-related business.
- I. No more than two (2) farm-support business uses shall be permitted on the farm. A zoning or use permit must be acquired by the owner to operate the farm-related business.
- J. An off-street parking area shall be provided to meet the following requirements: two (2) parking spaces shall be provided for the principal agricultural use; one parking space shall be provided for each employee not residing at the farm; and no more than two (2) parking spaces shall be provided for guests or patrons. The maximum number of off-street parking spaces shall be limited to eight (8) parking spaces, which shall not include any garage spaces and shall be designed to comply with the appropriate provisions of Article VI of this Ordinance.
- K. Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free and shall not create a traffic hazard.
- L. A sign displaying the name and address of the farm-related business may be permitted, subject to the following requirements: no more than one such sign shall be erected on the lot; the area of the sign shall not exceed six (6) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten feet (10') of the cartway.
- M. The owner of the farm-related business shall conduct and manage all activities that will not create a nuisance in terms of excessive noise, light, dirt and/or odor. Further, the farm-related business shall not result in the accumulation of trash or debris upon the property.
- N. Composting or other farm waste storage facilities shall not be permitted within two hundred feet (200') of a property line or street right-of-way.
- O. The land area of the accessory business operation shall not be subdivided from the farm property or principal agricultural use.
- P. No construction or other improvements required to support a farm-related business use shall be permitted unless a land development plan has been submitted to Alsace Township for review, consideration and approval.

Section 605-K. FARM-SUPPORT BUSINESS USES

- A. Farm-support business uses, as further defined under Article II of this Zoning Ordinance, shall be permitted by right in the R-2, R-3, R-4, C-1 and I Zoning Districts.
- B. Farm-support business uses may include accessory uses and activities, as defined by this section, provided that the agricultural use is the primary use and the farm-support business use is a secondary or accessory use, which is not necessarily compatible to the agricultural use. The farm-support business use shall be conducted in a manner that the agricultural use retains the visual character of a farm.
- C. All farm-support business uses should be directed at meeting the needs of those engaged in an agricultural operation or use. A farm-support business use may include the following subordinate uses:

1. Facilities for the manufacturing, warehousing, sales, repair and service of equipment, vehicles, or supplies.
 2. Processing and distribution of products.
 3. Veterinary offices, subject to the provisions of Section 607 of this Ordinance.
 4. Kennels within the C-1 Zoning District, subject to the provisions of Section 637 of this Ordinance.
 5. Uses that exceed the farm-related provisions contained under Section 605 of this Ordinance.
 6. Uses that exceed the home occupation provisions contained under Section 615 of this Ordinance.
- D. The following minimum and maximum dimensional requirements shall apply to an agricultural use with a permitted farm-support business are:
1. A minimum of ten (10) acres of contiguous net land area shall be required to accommodate the agricultural use and the farm-support business use.
 2. The maximum land area designated for the farm-support business shall be no more than three (3) acres.
 3. All building or structures utilized for the farm-support business use shall be located at least one hundred feet (100') from any side or property line or street right-of-way line.
 4. Outdoor storage of supplies, materials, or other products utilized for the farm-support business shall be located at least fifty feet (50') from any side or property line or street right-of-way line.
 5. The maximum height for any building or structure utilized for the farm-support business use shall be thirty-five feet (35').
 6. The maximum combined lot coverage for the agricultural uses and farm-support uses shall be ten percent (10%).
 7. The total gross floor area of a building or structure utilized exclusively for a farm-support business use shall not exceed four thousand (4,000) square feet.
- E. Any building constructed for the use of a farm-support business shall be of a type or design that could be converted to an agricultural use in the event the farm-support business is discontinued.
- F. Farm-support uses shall consider the character and appearance of other uses located within one thousand feet (1,000') of the property lines.
- G. The farm-support business shall be owned and operated by the farmer in residence on the property. No more than three (3) full time equivalent employees shall be employed at the farm for the farm-support business.
- H. No more than one farm-support business uses shall be permitted on the farm. A zoning or use permit must be acquired by the owner to operate the farm-support business. Further, a farm-support business shall not be operated in conjunction with a farm-related business.
- I. An off-street parking area shall be provided to meet the following requirements: two (2) parking spaces shall be provided for the principal agricultural use: one parking space shall be provided for each employee not residing at the farm; and no more than two (2) parking spaces shall be provided for guests or patrons. The maximum number of off-street parking spaces shall be limited to eight (8) parking spaces, which shall not include any garage spaces and shall be designed to comply with the appropriate provisions of Article VI of this Ordinance.
- J. Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free and shall not create a traffic hazard.

- K. A sign displaying the name and address of the farm-support business may be permitted, subject to the following requirements: no more than one such sign shall be erected on the lot; the area of the sign shall not exceed six (6) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten feet (10') of the cartway.
- L. The owner of the farm-support business shall conduct and manage all activities that will not create a nuisance in terms of excessive noise, light, dirt and/or odor. Further, the farm-support business shall not result in the accumulation of trash or debris upon the property.
- M. Composting or other farm waste storage facilities shall not be permitted within two hundred feet (200') of a property line or street right-of-way.
- N. The land area of the accessory business operation shall not be subdivided from the farm property or principal agricultural use.
- O. No construction or other improvements required to support a farm-support business use shall be permitted unless a land development plan has been submitted to Alsace Township for review, consideration and approval.

Section 605-L. GREENHOUSES, TREE FARMS, NURSERIES, LANDSCAPING CENTERS AND ROADSIDE STANDS

- A. Greenhouses and tree farms that do not provide for on-site commercial or retail sales as a principal use shall be considered as a general agricultural use, which are permitted by right in the R-2, R-3, R-4, C-1 and I Zoning Districts. All such general agricultural uses shall be subject to the following requirements:
 1. Greenhouses shall not exceed five thousand (5,000) square feet per acre of land and shall not exceed fifty thousand (50,000) cumulative square feet in total gross covered floor area for all structures on the property.
 2. The minimum and maximum dimensional requirements for general agricultural uses, as specified under Section 605 of this Ordinance, shall apply to greenhouses and tree farms.
 3. Greenhouses shall be considered as a structure, which should be accounted for as part of the building coverage and lot coverage requirements for the lot.
 4. An off-street parking area considering on one parking space for each full time equivalent employee plus two (2) parking spaces for guests or patrons. The maximum number of off-street parking spaces shall be limited to eight (8) parking spaces and shall be designed to comply with the appropriate provisions of Article VI of this Ordinance.
 5. Vehicular access roads and off-street parking areas shall be located, designed and constructed in a manner considering the size and weight of delivery vehicles and customers entering and exiting the property. All such vehicular access roads and parking areas shall be mud free and shall not create a traffic hazard.
 6. A sign displaying the name and address of the farm-support business may be permitted, subject to the following requirements: no more than one such sign shall be erected on the lot; the areas of the sign shall not exceed six (6) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten feet (10') of the cartway.
 7. Greenhouses and tree farms may have two (2) seasonal sales per year provided that such sales do not exceed sixty (60) cumulative days over a calendar year that a zoning use permit is obtained.
- B. Commercial greenhouses, tree farms, nurseries or landscaping centers shall be permitted as a use by right in the C-1 and I Zoning Districts. All such uses shall be subject to the following provisions:

1. A minimum of two (2) contiguous net acres of land area shall be required to accommodate any commercial greenhouse, tree farm, nursery or landscaping center.
2. A greenhouse exceeding the parameters for general agricultural uses, as specified under Section 605-G of this Zoning Ordinance shall be considered as a commercial greenhouse and subject to the provisions of Section 605-G of this Zoning Ordinance.
3. Commercial greenhouse operations shall not exceed twenty thousand (20,000) square feet per acre of land and shall not exceed two hundred thousand 200,000 cumulative square feet in total gross covered floor area for all structures on the property.
4. All commercial greenhouses, tree farms, nurseries, and landscaping centers shall be located on approved lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified for the C-1 and I Zoning Districts.
5. The storage of merchandise that is available for retail sales may be permitted outside of the principal building or structure provided that such storage complies with the minimum setback provisions, which are further specified for the C-1 and I Zoning Districts.
6. No exterior storage of a substance, which has the potential to contaminate groundwater or surface water, shall be permitted unless the owner provides and installs safeguards, which are satisfactory to Alsace Township and the Pennsylvania Department of Environmental Protection. All such protective safeguards shall be subject to the review and approval by Alsace Township.
7. Individual buildings, barns and greenhouses shall be considered as a structure, which should be accounted for as part of the building coverage and lot coverage requirements for the lot.
8. An off-street parking area consisting of at least one parking space per five hundred (500) square feet of gross floor and surface area of merchandise sale for guests or patrons plus one parking space for each full time equivalent employee. This provision may be reduced as part of the conditional use application if the applicant provides documentation to support the reduction.
9. At least one off-street loading space shall be provided for the commercial greenhouse, tree farm, nursery or landscaping center. The off-street loading space shall be located, designed and constructed in accordance with the provisions of Article VI of this Ordinance.
10. Vehicular access roads and off-street parking areas shall be located, designed and constructed in a manner considering the size and weight of delivery vehicles and customers entering and exiting the property. All such vehicular access roads and parking areas shall be mud free and shall not create a traffic hazard.
11. No more than one common on-premises free standing or ground sign shall be permitted for the commercial greenhouse, tree farm, nursery or landscaping center, which shall not exceed thirty (30) square feet. All proposed signs shall comply with the provisions specified under Article VI of this Ordinance.
12. A complete land development plan shall be submitted to Alsace Township for review and consideration. The land development plan shall comply with all conditions of approval as well as all other provisions specified by Alsace Township.

C. Roadside stands, which are considered as an accessory use to a general agricultural use, shall be permitted by right in the R-2, R-3, R-4, C-1 and I Zoning Districts, subject to the following provisions:

1. At least fifty percent (50%) of the agricultural products sold at the roadside stand shall be produced on the property accommodating the roadside stand.
2. The total display area of the agricultural products sold at the roadside stand shall be limited to eight hundred (800) square feet.

3. The roadside stand shall be considered as a temporary and portable structure, which shall be located at least fifty feet (50') from the centerline of the cartway and two hundred feet (200') from a street intersection. In no case shall the roadside stand be placed within the street right-of-way.
4. The portable roadside stand shall be removed during seasons when agricultural products are not sold or if the roadside stand becomes inactive for thirty (30) consecutive days.
5. Sufficient off-street parking areas shall be designed, located and constructed in a manner considering the customer vehicles entering and exiting the property. All such off-street parking areas shall be mud free and shall not create a traffic hazard. A minimum of six (6) off-street parking areas shall be provided.
6. A sign displaying the name or products for sale may be permitted, subject to the following requirements: no more than one such sign shall be erected on the lot; the area of the sign shall not exceed six (6) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten feet (10') of the cartway.

Section 606. RECREATIONAL USE REGULATIONS

- A. The following controls shall apply to all recreational uses not owned by Alsace Township:
 1. All activities of a commercial nature shall be clearly accessory to and incidental to the permitted recreational use, such as the charging of admission, the sale of refreshments, and the rental or sale of athletic equipment.
 2. Sleeping accommodations shall be provided only for caretakers and similar types of employees, except in the case of camps intended to provide for overnight accommodations.
 3. Accessory uses shall be restricted to those providing necessary amenities to members and guests.
 4. Minimum lot size shall be five (5) acres.
 5. All buildings shall be set back a minimum of seventy-five feet (75') from all lot lines.

Section 607. DESIGN STANDARDS FOR COMMERCIAL, INDUSTRIAL AND OTHER NON-RESIDENTIAL AND NON-AGRICULTURAL USES

- A. Screening
A complete visual barrier by landscaped screen or fencing shall be provided along any lot line adjacent to a residential zoning district. The adequacy of such screening shall be determined by the Zoning Officer.
- B. Storage
All storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.
- C. Landscaping
Any part or portion of a site which is not used for building area or paved area shall be planted with an all-season ground cover and shall be landscaped according to an overall plan in keeping with the natural surroundings. Any single parking area with fifty (50) or more spaces shall utilize at least five percent (5%) of its area in landscaping, which shall be in addition to open area requirements of the applicable Zoning District.

- D. Access and Traffic Control
No driveway or road shall be located within one hundred fifty feet (150') from the intersection of any road lines. When any driveway or road shall provide access for more than fifty (50) parking spaces the approval of the design shall be subject to review by the Township Planning Commission.
- No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs.
- E. Interior Circulation
The interior circulation of traffic shall be designed so that no driveway or road providing parking spaces shall be used as a through road. If parking spaces are indicated by lines with angles other than ninety degrees (90°), then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or road used for interior circulation shall have traffic lanes less than ten feet (10') in width. Areas for loading shall be separate from customer parking areas.
- F. Lighting
All parking areas, driveways and/or roads shall be provided with a lighting system which shall furnish adequate illumination at any point, and shall be designed to prevent glare which could be hazardous or uncomfortable to drivers in the area. Lights shall be screened to prevent spill or glare onto adjacent residential areas. Section 604 of this Ordinance shall also be complied with.
- G. Shopping Cart Storage
If any use permits shopping carts to be taken from the confines of the store building, storage areas for such carts shall be provided at convenient locations outside buildings.
- H. Building Design
Buildings shall be designed to take advantage of the natural terrain and shall not be physically located to unnecessarily concentrate activity in one portion of the lot. At least one entranceway shall be maintained at ground level. All pedestrian entrances shall be paved with an all-weather surface. Curbing shall be provided to separate parking areas, roads, and driveways.

Section 608. ENVIRONMENTAL PERFORMANCE STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES AND OTHER NON-RESIDENTIAL AND NON-AGRICULTURAL USES

Upon request of the Township, landowners shall furnish proof at their own expense that they are in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of Alsace Township.

A. Air Management

1. Open burning is only permitted by the Alsace Township Fire Marshall.
2. No gases, vapors, or fumes shall be emitted which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors or fumes originate. No toxic or corrosive gases, vapors or fumes shall be released into the atmosphere.
3. No odors shall be detectable beyond the lot lines of the lot on which such odors originate. Any process which may involve the creation of/or emission of any odors shall be provided with a secondary safeguard system, in order that control will be maintained if the primary safeguard system should fail.
4. The regulations of the Pennsylvania Department of Environmental Protection shall be complied with for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emission of Hazardous Air Pollutants, and Ambient Air Quality Sources.
5. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
6. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

B. Waste Water Management

1. Effluent must meet any standards established by the Township.
2. In no case shall untreated potentially dangerous or contaminating effluent or waste from plant operations be discharged.

C. Solids Waste Management

No storage of waste material on the lot shall be permitted in excess of thirty (30) days. All waste materials awaiting transport shall be concealed from view from all adjacent properties and roads and kept in enclosed containers.

D. Lighting and Heat

1. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.
2. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

E. Ground Water Supplies

No activity shall endanger ground water levels and quality in the area of the use, nor adversely affect ground water supplies of nearby properties. When required by the Township, a hydrologic study which shall indicate the impact of the use on ground water supplies and quality in the area of the use shall be submitted to the Township.

- F. Electromagnetic and Radioactive Radiation
All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation which interferes with radio or television reception or the operation of other equipment beyond the lot lines shall be produced. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.
- G. Outdoor Storage
1. All outdoor storage of materials or products shall be screened from view from all adjacent properties and roads.
 2. All outdoor storage facilities for fuel, raw materials, and products; and all fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate for the protection of the public, as approved by the Planning Commission.
 3. No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
 4. All materials or wastes capable of causing fumes or dust or which constitute a fire hazard or which are edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- H. Carcinogenic Substances
No carcinogenic substances shall be released into the air, ground or water.
- I. PADEP Requirements
All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.
- J. Explosives
No production or storage of any material designed for use as an explosive shall be permitted.
- K. Buffer Yard
When the side yard or rear yard of a lot adjoins land in a Residential Zoning District, a twenty foot (20') buffer strip creating a complete visual screen, and in which no paved areas or buildings are permitted, shall be provided.

Section 609. PROHIBITED USES

No building or structure may be erected, altered, or used, and no lot or premises may be used for any activity which is continuously noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.

Section 610. LOADING AREAS

- A. Paved loading and unloading spaces with proper access from a road or driveway shall be provided on any lot on which a building for trade, business, industry, or warehousing, or other use similarly involving large volume receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within ten feet (10') of any side or rear lot line.
- B. Under Section 809 of this Ordinance, the applicant shall indicate all provisions for loading and include supporting data on the number, frequency and schedules, and size of vehicles which will serve the facility.

The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one loading space shall be provided for each use unless applicant provides complete justification that the required loading zone space is not required to support the proposed use.

All provisions for loading areas are subject to approval by the Planning Commission.

Section 611. PARKING

- A. Parking facilities shall be provided whenever:
 - 1. A building is constructed or a new use established.
 - 2. The use of an existing building or a lot is changed to a use requiring more parking facilities.
 - 3. An existing building or use is altered so as to increase the amount of parking spaces required.
- B. Each parking space shall have a minimum area of one hundred sixty-two (162) square feet and minimum dimensions of nine feet (9') in width and eighteen feet (18') in length. In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Safe and convenient access from a street, alley, or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be eight feet (8') by twenty-two feet (22').
- C. Parking spaces shall be located on the same lot as the use served and shall be located behind the road line, and any required buffer areas.
- D. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use. For joint use facilities which require non-concurrent parking, the Township may in its sole discretion consider a reduction of the required joint parking requirement based upon adequate justification provided by the applicant(s).

- E. All parking spaces and means of access, other than those relating to a single family dwelling, shall be illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private roads. The illumination shall not produce a glare noxious at or beyond the boundaries of the parking area.
- F. All parking areas and access drives serving more than 4 vehicles shall be paved. They shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas used for parking shall not exceed five percent (5%), and the maximum grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks or other premises.
- G. No areas necessary to fulfill the parking requirements of this Ordinance shall be used for the sales, dead-storage, repair, dismantling, or servicing of vehicles.
- H. Parking facilities existing at the effective date of this Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
- I. The width of aisles in parking areas shall be no less than listed in the following table:

Aisle Width

Angle of Parking	One-Way	Two-Way
90	24'	24'
60	18'	Not Permitted

- J. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction less than or equal to one-fourth ($\frac{1}{4}$) may be disregarded and any fraction greater than one-fourth ($\frac{1}{4}$) shall necessitate the provision of a full parking space.
- K. Parking areas for non-residential uses and residential uses having access to arterial or collector roads shall be designed such that vehicles will not back out onto public roads.
- L. The design of parking areas shall be such to prevent to the greatest extent possible the back-up of vehicles on a public road at the entrance to parking areas.
- M. Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
- N. Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space can extend over any property line of the lot on which it is parked.
- O. In residential zoning districts, parking areas for non-residential uses which contain more than four (4) parking spaces shall be screened from the view of persons on any adjacent lot that is used for residential purposes.
- P. Parking areas and access drives for non-residential uses shall be located a minimum of ten feet (10') from a lot line and road right-of-way line, and the area between the parking area and the lot line or road line shall be landscaped in accordance with the requirements of Section 603.

- Q. Non-conforming Parking Areas. No major repairs, substantial alterations or extensions to any existing, non-conforming parking area shall be permitted unless the plans for such change shall provide for bringing the entire parking area into conformance with all of the provisions of this section as if an application were being made for a permit to construct a parking area upon undeveloped ground.
- R. Traffic channelization shall be provided for non-residential parking areas such that main driving aisles, which do not directly serve parking spaces and from which vehicles can flow into aisles directly serving parking spaces, are defined. This shall be accomplished by placing raised islands at the ends of all rows of parking spaces. Curbing or planting strips to further define main driving aisles shall be provided if the raised islands do not provide the required definition.
- S. The number of parking spaces to be provided for each use shall be sufficient to accommodate all employees, visitors, and customer parking. If the use qualifies under more than one of the below listed categories, the category requiring the most parking spaces shall be used. Minimum off-road parking requirements shall be as follows:

1.	Residential Uses:	All dwellings except Apartment Buildings: Three (3) parking spaces per dwelling unit. Apartment Buildings: Two (2) spaces for the first bedroom per dwelling unit plus one space per bedroom per dwelling unit after the first. In the case of apartment buildings which will contain only dwelling units for the elderly, one parking space for the first bedroom per dwelling unit plus one space per bedroom per dwelling unit after the first is required.
2.	Industrial, Wholesaling or Warehousing Establishment:	Three (3) parking spaces for every four (4) employees on the two major shifts, but in no case less than one space for each two thousand (2000) square feet of gross floor space plus one space for each company vehicle normally stored on the premises.
3.	Restaurant, Tavern or Similar Use:	One space for each four (4) seats, plus one space for each employee on the shift of greatest employment.
4.	Retail Establishments:	One space for each one hundred seventy-five (175) square feet of total floor area.
5.	Office Buildings:	One space for each two hundred fifty (250) square feet of gross floor area.
6.	Motel, Hotel, Tourist Home or Similar Establishment	One space for each rental unit plus one space for each employee on the shift of greatest employment.
7.	Medical, Dental and Paramedical Offices and Clinics:	One space per employee plus six (6) spaces for each person engaged in practice.
8.	Agricultural Uses:	One space per employee (on the shift of greatest employment).
9.	Nursing Home or Convalescent Home:	One space per employee on the largest shift plus one space for each four (4) beds.
10.	Hospital:	One and one-half (1½) spaces per bed.

11.	Bowling Alley:	Five (5) spaces per alley.
12.	Funeral Home:	One space for each four (4) seats.
13.	Auditorium, Theater, Place Of Worship, Club or Lodge, or Other Place of Public Assemblage	One space for each four (4) seats, plus one space for each employee on the shift of greatest employment.
14.	Library or Museum:	One space per three hundred (300) square feet of gross floor area.
15.	Nursery Schools and Day Care Centers:	One space per employee plus one space for loading and unloading of children for each five (5) children accommodated in the school.
16.	Elementary and Junior High Schools:	One space per employee plus one space per two (2) classrooms or offices.
17.	High Schools:	One space per employee plus two (2) spaces per classroom.
18.	Commercial School:	One space per employee plus one space per three (3) students to be accommodated at any one time.
19.	Skating Rink, Swimming Pool, Dance Hall, Indoor Recreational Establishment	One space per fifty (50) square feet devoted to patron use.
20.	Motor Vehicle Service Station:	Five (5) parking spaces per service bay, plus one space per employee on the shift of greatest employment.
21.	Outdoor Recreational Facility:	One space per employee on the largest shift plus one space per five (5) people of total capacity.
22.	Shopping Center:	Five and one-half (5½) spaces per one thousand (1,000) square feet of gross leasable area.
23.	Service Establishments:	One parking space for every two hundred (200) square feet of gross floor area.
24.	Adult Entertainment Use Establishments	One parking space for every one hundred (100) square feet of floor area.

For any building or use not covered above, the Zoning Officer shall apply the standard for parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

Section 612. RESERVED FOR FUTURE USE

Section 613. ROAD FRONTAGE DEVELOPMENT FOR NON-RESIDENTIAL AND NON-AGRICULTURAL USES.

- A. All areas for parking, loading and unloading, and the storage or movement of motor vehicles shall be physically separated from public roads by a raised curb, planting strip, or other suitable barrier against uncontrolled motor vehicle entrance or exits, except for necessary accesses which supply entrance to and egress from such parking, loading or storage areas.

Each use with a lot width of less than three hundred feet (300') shall have not more than one access to a public road. In no case shall a use have more than two (2) accesses to any one public road. Access to parking areas shall be provided by common service driveways in order to avoid direct access to public roads whenever possible.

- B. Service driveways shall have lanes at least twelve feet (12') wide and the radius of the edge of the driveway apron shall be at least five feet (5') and no more than thirty-five feet (35').
- C. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent roads. Access driveways shall not be located in such a manner that they will cause a hazard to the movement of normal road traffic or cause areas of undue traffic congestion on the roads. The center line of an access driveway to any public road shall be located at least one hundred fifty feet (150') from the intersection of any road cartway lines, except in the case of a road intersecting the road which the driveway intersects directly opposite from the driveway.
- D. Non-residential and non-agricultural uses shall not be established on lots which do not adjoin and have direct access to a public road.

Section 614. SIGNS

A. Sign Permits

No sign shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Zoning Officer for such purposes, except signs less than four (4) square feet in area and not illuminated.

1. Application Procedures

Applications shall be made in writing to the Zoning Officer on a form specified for such purpose and shall contain the following:

- a. A detailed scaled drawing of the sign showing its intended location and stating how it shall be affixed and all other signs on the property.
- b. A statement indicating the type of construction and the manner of installation together with the materials to be used.
- c. A written agreement that the applicant is the owner of the premises on which the sign will be erected or that the applicant has obtained the consent of the owner or lessee of such premises to erect such sign.
- d. A written agreement that the sign shall be erected according to the accompanying plans and specifications.

2. Review Procedure

Permits shall be granted or denied within ten (10) days from the date of application. All approved permits, together with the accompanying information shall be a public record.

3. Denial

No sign permit shall be granted unless the application conforms to the requirements of this Ordinance. If the denial is based upon an interpretation of this Ordinance, the applicant shall be informed of his right of appeal to the Zoning Hearing Board.

4. Duration of Permit

All sign permits granted shall remain valid for a period of one year. If the applicant has not undertaken a significant portion of the work required, a subsequent Sign Permit shall be necessary.

B. Sign Area

1. The area of a sign shall be considered to be the sum of the areas of all sign faces, unless otherwise stated in this ordinance.
2. The area of a sign shall be construed to include all lettering, wording, 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.
3. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.
4. Where the sign consists of individual letters or symbols attached to or painted on a surface, buildings, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

C. Signs Permitted In Residential Zoning Districts

In the R-2, R-3, and R-4 Zoning Districts, the following types of signs shall be permitted and no others:

1. Official traffic or road name signs and other official federal, state, county or Township government signs.
2. Name-of-resident signs, or accessory use signs, indicating the name, profession, or activity of the occupancy of a dwelling, provided that the area of any such sign shall not exceed two (2) square feet.
3. Identification signs for farms, schools, churches, hospitals, institutions and for public or private recreation area, clubs or other similar uses, provided that the area of any such sign shall not exceed twelve (12) square feet.
4. Real Estate signs, including signs advertising the sale or rental of the premises, provided the area of such sign shall not exceed twelve (12) square feet; and signs erected in connection with the commercial or industrial development or proposed development of the premises by a builder, contractor, developer, or other person interested in such sale or

development provided that the area of such sign shall not exceed twelve (12) square feet. Such signs shall be located only on the premises to which they relate, and not more than one such sign shall be placed on any property in single and separate ownership.

5. Temporary signs of contractors, architects, mechanics and artisans during the period such persons are performing work on the premises provided that:
 - a. The area of any such sign shall not exceed four (4) square feet.
 - b. Not more than one sign for each such mechanic, contractor or artisan shall be placed on any one property on which such person is performing work unless such property fronts upon more than one road, in which event, each such mechanic, contractor or artisan may erect one such sign on each road frontage.
 - c. Such sign shall be removed promptly upon completion of the work.
6. Trespassing signs or other signs indicating the private nature of a road, driveway or premises; and signs prohibiting or otherwise controlling fishing or hunting upon a particular premises, provided that the area of any such sign shall not exceed four (4) square feet.
7. Directional, informational or public service signs may be erected, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or services except those of public utilities, and the area of any such sign shall not exceed four (4) square feet in size.
8. Temporary signs advertising political parties or candidates for election, provided that the area of any such sign is not in excess of four (4) square feet. Signs may be placed for display thirty (30) days prior to the election date and must be removed seven (7) days after the election date.
9. Signs advertising a legal non-conforming use, when located on the site where such use is conducted, may be maintained, or modernized, without increasing their size, provided that such signs have been erected prior to the adoption of this Ordinance.

D. Signs Permitted In Commercial And Industrial Districts

In Commercial and Industrial Zoning Districts, the following types of signs shall be permitted and no other:

1. Any sign permitted in Residential Districts.
2. Temporary signs advertising political parties or candidates for election, provided that the area of any such sign is not in excess of thirty-six (36) square feet per face. Signs may be placed for display thirty (30) days prior to the election date and must be removed seven (7) days after the election date.
3. Signs advertising a business, industry or other permitted use, provided that:
 - a. Such sign is located on the site where such use is conducted.
 - b. Not more than one sign shall be permitted for any one use.
 - c. The area of such sign shall not exceed one hundred (100) square feet on each side.
4. Signs advertising a shopping center or an industrial park, provided that:
 - a. Such signs are located on the premises where such use is conducted, or in the process of development, and shall only identify the industrial park.
 - b. In the case of a building housing more than one commercial or industrial tenant or a complex of more than one commercial or industrial buildings, a maximum of one permanent freestanding identifying sign for the building or complex, the area of one side

of which shall not exceed one hundred fifty (150) square feet may be erected. In addition, for each commercial or industrial tenant or building located within the building or complex, no more than one sign, the area of which shall not exceed forty (40) square feet, may be attached to that portion of the building or separate building housing the tenant.

5. Special promotional devices, signs or spectacular displays, such as flood lights, banners, pennants, etc., which are not readily measurable for the purpose of determining compliance with the size limitations for signs contained in this Section, shall be permitted for a period of not exceeding fifteen (15) days in any one calendar year.
6. As a Conditional Use in the (C-1) Commercial and (I) Industrial Zoning Districts, subject to the requirements of Section 902 of this Ordinance, the Zoning Hearing Board may permit a sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere than upon the premises where the sign is located, or to which it is affixed. Such signs are subject to:
 - a. Faces of such signs shall not exceed one hundred (100) square feet in area each.
 - b. A maximum of two (2) sign faces, mounted so that they face in opposite directions, may be considered as one sign.
 - c. Any such sign shall be at least five hundred feet (500') from the center of the cartway of any intersecting road and at least seven hundred fifty feet (750') from any other such sign.
7. As a Special Exception in the (C-1) Commercial and (I) Industrial Zoning Districts, subject to the requirements of Section 902 of this Ordinance, the Zoning Hearing Board may permit the use of electronic message display/digital signs for use in both on premise and off-premise signage. Such signs are subject to:
 - a. Such displays may not allow the display or message to change more frequently than once every eight (8) seconds, with a transition period of one second or less.
 - b. Such displays must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions. Maximum brightness levels shall not exceed two tenths (0.2) foot-candles over ambient light levels measured within one hundred feet (150') of the source. (Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower.)
 - c. To the extent applicable, the display, its support structure and any associated electrical installation shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry.

E. General Sign Regulations

The following restrictions shall apply to all permitted signs and sign uses:

1. There shall be a minimum distance of fifteen feet (15') or the side yard requirement (whichever is less) between any side property line and any sign erected under the provisions of this Ordinance.
2. No sign, other than a traffic or road sign, shall be located within the lines of any road right-of-way or within twenty feet (20') of the center of the cartway of any public road, whichever is greater; and in no case shall a sign be placed in such a position that will cause danger to traffic on a road by obscuring the view.
3. No signs except official traffic or road name signs shall be permitted within fifty feet (50') of a road intersection measured from the intersection of the road right-of-way lines.
4. Every sign permitted under this Section must be constructed of durable materials and must be kept in good condition and repair. Any sign which is allowed to become dilapi-

dated, in the opinion of the Township Supervisors, may be removed by the Township after notice is provided to the lessee or owner of the property on which it is located. All expenses shall be borne by lessee or owner.

5. If any legal, non-conforming sign shall be removed, it may be replaced only, within thirty (30) days, with a sign which conforms with the provisions of this Article; however, legal non-conforming signs may be repainted or repaired provided that the dimensions of the sign are not increased.
6. A sign permit shall be obtained from the Zoning Officer as specified in this Ordinance.
7. Except in the case of school warning signs, traffic control signs, signs giving time and temperature, and similar signs, signs shall not contain moving parts nor use flashing or intermittent illumination and the source of light shall be steady and stationary.
8. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
9. No sign shall be utilized in a manner which produces a noxious glare or light beyond the lot boundaries. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties and roads.
10. The distance from the ground to the highest part of any free standing sign shall not exceed fifteen feet (15') in Residential Zoning Districts. The distance from the ground to the highest part of any free standing sign in Commercial and Industrial districts shall not exceed twenty-five feet (25'). No portion of a sign which is attached to a building, supported by a building or which projects from a building shall extend above the height of the building.
11. No sign shall be erected or located as to prevent free ingress to or egress from any window, door or fire escape.
12. No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.
13. No portion of any sign shall project over any lot line.
14. Red, green or amber lights, except those contained within a school warning sign, traffic control sign or similar sign, shall not be so located that they could create a danger by being construed as traffic lights.
15. The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.
16. A sign shall be removed when the use to which it refers is terminated.
17. All signs adjacent to roads under the control of the PennDOT shall comply with all applicable PennDOT regulations.
18. Each lot is permitted two (2) signs with areas less than or equal to one square foot per face, and with a height less than or equal to two feet (2').

Section 615. HOME OCCUPATION AND ACCESSORY PROFESSIONAL OFFICE USE REGULATIONS

- A. Permitted uses include offices of professional as defined in this Ordinance.
- B. Home occupations and accessory professional office shall be conducted within a single family dwelling, with direct access to ground level.
- C. Only a resident of the dwelling unit may practice the home occupation, provided that not more than one person, whether paid or unpaid, may be employed to provide secretarial, clerical or other similar assistance.
- D. All of the goods available for retail sale on the premises shall be produced upon the premises.

- E. No storage of materials or products related to the occupation shall be permitted outside buildings
- F. No display of products related to the occupation shall be visible from adjoining properties or roads.
- G. There shall be no outside advertising other than one one-sided or two-sided sign of no more than two (2) square feet in area on each side.
- H. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare resulting from the occupation shall be perceptible at or beyond the lot boundaries.
- I. Not more than twenty-five percent (25%) of the area covered by the dwelling unit shall be used for the purposes of the occupation.
- J. Any need for parking generated by the proposed use shall be provided upon the subject property and shall not be permitted within any public rights-of-way. In the case of dental, medical or paramedical offices, four (4) parking spaces shall be provided for each licensed professional. For additional guidance, please refer to Section 611 – Parking, of this Ordinance.
- K. There shall be no alterations made to the outside of the dwelling in a manner inconsistent with the basic architecture of the dwellings or which involve construction features not customary in dwellings.

Section 616. FRONT YARD EXCEPTIONS

- A. When either an unimproved lot, or an improved lot, is situated between two (2) other improved lots upon which are existing principal buildings that do not meet the minimum front yard dimension required for the zoning district in which the unimproved, or improved, lot is located then, the required front yard dimension for the unimproved, or improved, lot may be reduced to a depth equal to the average of the front yard dimensions of the two (2) adjoining improved lots; provided, however, that this Ordinance provision shall only apply in such instances where the improved lots in question were improved as of the effective date of the Ordinance and the principal structures which are erected upon said improved lots were constructed prior to the date of this Ordinance, and are located within two hundred feet (200') of the boundary lines of the unimproved, or improved, lot in question. For the purposes of this Ordinance, and specifically for the purposes of this Section, the term “an unimproved lot” shall mean a vacant lot without any principal building having been erected upon it and the term, “an improved lot” shall mean a developed lot on which a principal building has been erected, as of the effective date of this Ordinance.

Section 617. FENCES, WALLS AND VISUAL SCREENS

- A. Except as noted elsewhere in this Ordinance, fences, walls, and visual screens may be located within required yards. No fence, wall, or visual screen shall be erected or planted within the right-of-way lines of any road, nor shall they encroach upon any road right-of-way at any time.
- B. A zoning permit must be obtained prior to the construction of any fence to be placed closer than five feet (5') to any property line or street right-of-way line and for all fences in excess of six feet (6') in height.

- C. Any fence or wall, except a retaining wall, greater than six feet (6') in height shall be set back no less than five feet (5') from a lot line, unless otherwise required by this Ordinance.
- D. Fences shall be constructed of wood, chain link, or similar appropriate materials approved by the Zoning Officer, be of uniform construction and be constructed in a good and workmanlike manner.
- E. Prior to issuance of a permit for a fence or wall, the applicant must demonstrate their ability to be able to provide suitable maintenance of the barrier and surrounding land in accordance with applicable Township regulations.
- F. All fences, walls and visual obstruction must be placed in compliance with Section 618 of this Ordinance.

Section 618. CORNER LOT RESTRICTIONS

- A. On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located, shall be provided on each side of the lot which is adjacent to a road.
- B. At all road intersections clear sight triangles shall be established and maintained in accordance with the requirements of Section 603 of this Ordinance.

Section 619. ACCESSORY BUILDING SETBACK EXCEPTIONS

On any lot on which a principal building existed at the effective date of this Ordinance, an accessory building to such existing principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any road right-of-way or lot line than that principal building.

Section 620. HEIGHT EXCEPTIONS

- A. The building height limitations contained within this Ordinance shall not apply to chimneys, spires, cupolas and other similar appurtenances usually required to be placed above the roof level provided they are not intended for human occupancy and provided that any such projection which exceeds the height limitations of the applicable zoning district shall not be greater in height above its base than the shortest distance from such base to any lot line. These height exceptions shall not apply to any Communications Antennas or Communications Towers.
- B. Unless otherwise specified in this Ordinance no building or structure in the Township, other than an agricultural building, shall exceed forty feet (40') in height, except that such height may be increased by one foot for each one foot by which all of the building setback line dimensions for the front yard, side yard and rear yard are increased beyond the minimum requirements for the applicable Zoning District, up to a maximum increase of fifty feet (50').

Section 621. CONDUCT OF AGRICULTURAL ACTIVITIES

Agricultural activities permitted within the Township by this Ordinance may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all regulations of the Township and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring uses.

Section 622. SLOPE CONTROLS

- A. The following controls shall apply in all areas where the slope of the land at the site of development is greater than fifteen percent (15%).
 - 1. Prior to the establishment of any building, structure, or use, and before the issuance of a zoning permit, an erosion and sediment control plan shall be approved by the Berks County Soil Conservation District.
 - 2. Prior to any alteration of the existing grade, and before the issuance of a zoning permit, grading plans shall be approved by the Township. The grading plan shall indicate existing and proposed contours at intervals of no more than five feet (5') in elevation.
 - 3. The following percentages are the maximum area of steeply sloped land that can be permitted to be altered, re-graded, cleared, built upon, or otherwise disturbed:

<u>Slope of Land</u> Land which can be disturbed	<u>Maximum % of Sloped</u>
a. sloped areas which are greater than 15% and less than 25%	35%
b. sloped areas which are greater than or equal to 25%	10%

- B. The applicant shall indicate the methods which shall be used to mitigate any structural problems that may be caused by development upon any steeply sloped areas. Such methods shall be approved by the Township Engineer prior to the issuance of a zoning permit.

Section 623. REMOVAL OF NATURAL RESOURCES

- A. The stripping and removal of topsoil from lots shall not be permitted. Topsoil may be removed from areas of construction, grading, excavation, and other earthmoving activities, but shall be stored elsewhere on the lot and stabilized to minimize erosion. No topsoil may be removed from a site without prior permission of Alsace Township. Justification for removal of topsoil from a site must include assessment of the existing on-site topsoil volume and documentation of the required volume to maintain a minimum of six inches (6") on the permanently restored site.
- B. The removal of other natural resources shall be permitted only when specifically permitted in a zoning district, except as follows:
 - 1. As part of construction activities.
 - 2. In connection with normal lawn preparation and maintenance.
 - 3. In farming operations, provided sound soil conservation practices are observed.

4. Trees, when removed in connection with Forestry operations in accordance with an approved woodland management plan.

Section 624. FLOOD PLAIN CONTROLS AND WETLANDS

- A. Flood Plains
Controls and standards are regulated by the Alsace Township Flood Plain Ordinance.
- B. Wetlands
Property owners shall be aware that wetlands on their property may be subject to restrictions and/or permits by the Pennsylvania Department of Environmental Protection and Army Corps of Engineers. Copies of all required permits shall be filed with the Township.

A buffer zone shall be required around all areas delineated as wetlands. Within this buffer zone, no removal of existing natural vegetation or installation of sewage disposal systems shall be permitted. The minimum width of the buffer zone shall be fifty feet (50'), as measured from delineated wetlands limit.

Section 625. STANDARDS FOR PUBLIC UTILITY USES

- A. Any land, which adjoins, a public utility use is used for residential purposes then, any and, all public utility facilities, storage and activities conducted outside of a building, including parking and loading, shall be screened from view from public roads and any adjoining residential lots by a fifty foot (50') wide buffer yard, which shall meet the requirements established by Section 607 (A) of this Ordinance.
- B. In Residential Districts, the utility company shall demonstrate that the use cannot reasonably serve the area from a location in a Commercial or Industrial District.

Section 626. OUTDOOR STORAGE

Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises, subject to requirements of the prevailing Zoning District

Section 627. RESERVED FOR FUTURE USE

Section 628. MOBILE HOME FOUNDATION REQUIREMENTS

- A. The foundation requirement of every mobile home shall be consistent with the Uniform Construction Code currently in place at time of application.
- B. The application for placement of the mobile home shall be accompanied by specifications for the foundation and anchoring and calculations indicating that the foundation and anchoring are adequate to meet the standards of this section.

Section 629. HAZARDOUS AREAS

- A. Identification
 1. The Township Planning Commission or Board of Supervisors may identify areas of the Township, such a mine holes, quarries, areas of naturally occurring minerals or chemicals, waste disposal areas, and waste storage areas, which could endanger the public health, safety, or welfare by potentially presenting hazards to life, health, or property if development occurs in the vicinity of such hazardous areas.

2. The hazardous areas shall continue to be considered as such until, after recommendation by the appropriate State, Federal, or County Agency, the Township Supervisors determine that the hazards have been eliminated or adequate safeguards against such hazards have been provided.

B. Regulations

1. No occupied building or well shall be located within five hundred feet (500') of a hazardous area, except as noted in Subsection 2, below.
2. An occupied building or well may be located within three hundred feet (300') of a hazardous area provided a sufficient number of excavations and borings or wells shall be provided to determine the valid and conclusive soil, geology and ground-water conditions, and an absence of hazards is indicated.
3. Test results from any well closer than five hundred feet (500') to a hazardous area or any well serving an occupied building closer than five hundred feet (500') to a hazardous area shall be submitted to the Township prior to issuance of a certificate of occupancy.

Section 630. CONVERSION OF BUILDING TO TWO-FAMILY USE

The Zoning Hearing Board may authorize, as a Special Exception, the conversion of any single family detached dwelling into a dwelling for not more than two (2) families, provided that all of the following requirements are met:

- A. The lot area per family shall not be reduced to less than one-half ($\frac{1}{2}$) the lot size for the district in which such lot is located.
- B. The yard, building, area, and other applicable requirements for the district shall not be reduced.
- C. Provisions for adequate water supply and waste disposal shall be made in accordance with the requirements of the Pennsylvania Department of Environmental Protection.
- D. Off-road parking requirements are met for each resulting dwelling.
- E. Such conversion shall be authorized only for a single-family detached dwelling or other conforming use. If such conversion is authorized, the Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate.

Section 631. WATER SUPPLY SYSTEM REVIEW

The developer of a public or community water supply system shall substantiate that the water supply system will provide adequate fire protection in accordance with the applicable specifications of the Alsace Township Subdivision and Land Development Ordinance. The latest edition of Water Supplies For Fire Protection, validated by the International Fire Service Training Association, will also be employed by the Township for additional guidelines for fire protection.

Section 632 COMMUNICATIONS ANTENNAS AND COMMUNICATIONS EQUIPMENT BUILDINGS

- A. Building mounted Communications Antennas shall not be located on any single-family dwelling or two-family dwelling.

- B. Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty feet (20').
- C. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- D. Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Alsace Township for compliance with the Township Building Code and other applicable law.
- E. Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- F. Communications Antennas shall not cause radio frequency interference with other communications services (including, but not limited to, other Towers, transmitting facilities, communications services reception by other property owners, etc.) in accordance with FCC requirements for the applicant's class of service.
- G. The applicant shall demonstrate that the proposed RMS field intensity of electromagnetic radiation from the proposed Antenna(s) measured at the nearest point on the lot line of the applicant's site will not exceed the levels allowed under ANSI standard C95.3.
- H. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- I. The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- J. No Communications Equipment Building or other Accessory Building on the Tower site may be used for an office, broadcast studio, or vehicle storage. No outdoor storage is permitted on the Tower site.
- K. If no lighting is mandated by any other controlling Authority, a steady red light that is lit when power is applied to the communications equipment shall be mounted on the communications antenna or the supporting structure at a height that will be visible from a public road.

Section 633 STANDARDS FOR THE CONSTRUCTION OF NEW COMMUNICATIONS TOWERS AND COMMUNICATIONS ANTENNAS

In addition to any information required for application for Conditional Use Permits pursuant to Section 808 of this Ordinance, the requirements of this Sections must be fulfilled.

- A. Communications towers with their communications equipment buildings are a principal use. No other principal use is permitted on a leased lot with a tower.

- B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communications towers shall comply with all Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Zoning regulations.
- D. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, Structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-half (½) mile radius of the proposed communications tower site be contacted and that at least one of the following reasons for not selecting such structure apply:
 - 1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - 5. A commercially reasonable agreement could not be reached with the owners of such structures.
- E. Access shall be provided to the communications tower and communications equipment building by means of a public road or easement to a public road. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all weather surface for its entire length.
- F. A communications tower may occupy a leased lot within a lot meeting the minimum lot size requirements for the Zoning District.
- G. Recording of an approved land development plan shall be required for any lot or leased lot on which a communications tower is proposed to be constructed.
- H. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- I. In all Zoning Districts the maximum height of any communications tower shall be one hundred fifty feet (150').
- J. The foundation and base of any communications tower shall be set back from a property line, or a lease line if constructed on a leased lot, a distance at least equal to the height of the tower. No buildings or structures occupied by people, easements or rights-of-way for access to other properties are allowed within these setback lines.
- K. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment Building from abutting properties.

- L. The communications equipment building shall comply with the applicable Zoning regulations for a nonresidential accessory structure.
- M. The applicant shall submit:
 - 1. Certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Alsace Township Building Code.
 - 2. The applicant shall submit a copy of its current Federal Communications Commission license under which the tower will operate.
 - 3. The name, address and emergency telephone number for the local person(s) responsible for operation of the communications tower.
 - 4. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
 - 5. A statement from the FCC, FAA, and Commonwealth Bureau of Aviation stating that the proposed Tower complies with applicable regulations or is exempt from those regulations.
- N. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times.
- O. The site of a communications tower, including all structures on the site, shall be secured by a fence with a minimum height of eight feet (8') to limit accessibility by the general public. The fence shall be a minimum of ten feet (10') from any structure inside it.
- P. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. If no lighting is mandated by any other controlling Authority, a steady red light that is lit when power is applied to the communications equipment shall be mounted on the communications antenna or the supporting structure at a height that will be visible from a public road.
- Q. All Communications Facilities shall be protected and maintained in accordance with the requirements of the Alsace Township Building Code.
- R. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period. Financial security to cover the costs of dismantling may be required by the Township Supervisors.
- S. One parking space shall be provided within the fenced area.

Section 634 STANDARDS FOR ADDING NEW COMMUNICATIONS ANTENNAS TO AN EXISTING COMMUNICATIONS TOWER

The applicant shall demonstrate:

- A. With a wind-load analysis certified by a Professional Communications Engineer or a Professional Civil/Structural Engineer, that the proposed equipment will not exceed the structural capacity of the existing tower.
- B. That the proposed RMS field intensity of electromagnetic radiation from the tower (with all existing and proposed antennas) measured at the nearest point on the lot line of the applicant's site will not exceed the levels allowed under ANSI standard C95.3.

Section 635 NON-COAL SURFACE MINING (QUARRYING) REGULATIONS.

- A. Non-coal surface mining shall comply with all applicable state and federal laws, including, but not limited to, the following:
 - 1. The Act of June 22, 1937, P.L. 1987, as amended, known and referred to as the "Clean Streams Law."
 - 2. The Act of January 8, 1960, P.L. 2119, as amended, known and referred to as the "Air Pollution Control Act."
 - 3. The Act of November 26, 1978, P.L. 1375, as amended, known and referred to as the "Dam Safety and Encroachments Act."
 - 4. The Act of July 7, 1980, P.L. 380, known and referred to as the "Solid Waste Management Act."
 - 5. The Act of December 19, 1984, P.L. 1093, known and referred to as the "Non-Coal Surface Mining Conservation and Reclamation Act."
 - 6. National Pollution Discharge Elimination System requirements as outlined under 40 CFR - Protection of Environment.
 - 7. Mine Safety and Health Administration requirements as outlined under 30 CFR - Mineral Resources.
- B. General Requirements
 - 1. The applicant shall submit a detailed plan with supporting documentation as to the existing features of the site; the boundaries of the site current with ALTA/ACSM Land Title Survey and Mapping Standards; vehicular access(existing and proposed); setback limits; zoning boundaries; the location of all streams, roads, railroads, and occupied structures within one thousand feet (1000') of the site; the location of existing and proposed security fencing; and the permit numbers of all permits issued by the Pennsylvania Department of Environmental Protection (DEP).
 - 2. The Applicant shall submit all pre-blast survey data to the Township.
 - 3. The Applicant shall supply its blasting schedule to the Township and all property owners within one thousand feet (1000') of the site.
 - 4. The Applicant shall allow inspection of the site by the Township during normal business hours.
- C. Distance Limitations

Except for pre-existing uses, non-coal surface mining activities shall be conducted no closer than:

1. One hundred feet (100') from the right-of-way line of any public road, existing public park, existing cemetery, or bank of any stream.
2. Three hundred feet (300') of any adjoining property line, dwelling house, commercial or industrial or public building, school, community or institutional building.

D. Berming

1. Except where the topography of the surface mine would render berming useless, the operator shall create a berm at least fifteen feet (15') in height with a minimum top surface width of ten feet (10') and a maximum side slope ratio of 2:1. The berm shall not be located within the setback area. There shall be placed atop of or adjacent to and within fifty feet (50') of the outward toe of said berm, a chain-link fence with at least six feet (6') in height, to totally surround the proposed limit of mining. In addition, there shall be planted on the slope of said berm most distant from the proposed limit of mining, hybrid poplars (or their equivalent) on eight foot (8') spacing with an inner planting (also on the outermost slope of said berm) of evergreens also spaced at eight foot (8') intervals, but with each evergreen planting being centered between each planting of hybrid poplar. The evergreen trees shall be a minimum of three feet (3') in height when planted. Berms shall also be planted in accordance with the revegetation standards set forth in Section 635.G. of this Ordinance.
2. Dead or ailing evergreen trees shall be replaced within one growing season. For purposes of this Ordinance and any other ordinance of the Township of Alsace, berms shall not be considered to be "mining activity" and may be located outside the "limits of mining" as established by the operator, except as otherwise set forth in this Ordinance.

E. Hydrologic Balance Water Rights and Replacement

The operator of any non-coal surface mine which affects by surface mining activities a public or private water supply by contamination or interruption, shall restore or replace the affected water supply with an alternate source of water, adequate in quantity and quality for the purpose served by the supply. For the purpose of this Section, the term "water supply" shall include any source of water or facility or system for the supply of water for human consumption, agricultural, industrial, or other uses. In addition, the operator shall post with the appropriate State agency or, if no State agency is designated, with the Township, either a bond or insurance policy conditioned upon replacement of water supply should the operator adversely affect either as to quantity or as to quality, a water supply located within one thousand feet (1000') of the boundaries of the property being mined. Proof of such insurance and/or bond shall be supplied to the Township on an annual basis. In the event of the contamination or interruption of a public or private water supply, there shall be a rebuttable presumption that the activities of the operator of the non-coal surface mine contaminated, interrupted, or disrupted such water supply.

F. Removal of Overburden

For purposes of this Ordinance the term "removal of overburden" shall constitute quarrying activity. The owner/operator shall not store over-burden materials either outside the Industrial Zoning District, or within the setback areas. Upon movement of overburden, said overburden shall be immediately either removed entirely from the property, placed in berms as herein described, or placed immediately adjacent to said berms, outside the setback area, for storage. All such storage areas shall be immediately seeded in such a manner as to prevent erosion and in total compliance with the requirements of the Pennsylvania Department of Environmental Protection as they may from time to time exist.

G. Reclamation Performance Standards

1. When the surface mining operation has concluded, the area shall be reclaimed by terrace. Terracing shall occur through the utilization of an overall two-to-one (2:1) reclamation slope, with the intervening slopes between terraces being no greater than forty-five degrees (45°) or the natural angle of slippage, whichever is greater, and with the height of the intervening slopes between terraces being no greater than twenty-five feet (25') and with the surface width of each terrace being no less than twenty-five feet (25'). Upon said terraces shall be placed a twelve inch (12") layer of soil and planted, concurrent with the reclamation, coniferous vegetation and hybrid poplar so as to create continuous rows of plantings upon each terrace. Both the hybrid poplar and the evergreens utilized shall be of a type which shall achieve a minimum height of twenty-five feet (25') at maturity. Tree spacing and density shall be same as berm planting.
2. Where a water impoundment is part of the reclamation, the slope shall extend to twenty-five (25') feet below the post-reclamation water level at a minimum slope of 3:1 to serve as a safety bench for safe exit from the impoundment. Benches developed below the lower level of the reclamation safety bench need not be restored; removal of any benches below the safety bench shall be accomplished only with approval of the Pennsylvania Department of Environmental Protection.
3. Reclamation of a working face shall begin within one hundred eighty (180) days after such face has reached its maximum horizontal extent.

H. Revegetation

1. Revegetation where required shall provide for a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except that introduced species may be used in revegetation process where desirable. Vegetative cover shall be considered of the same seasonal variety when it consists of a mixture of species of equal or superior utility for the approved post-mining land use, when compared with the utility of naturally occurring vegetation during each season of the year.
2. Revegetation shall provide a quick-germinating, fast-growing, vegetative cover capable of stabilizing the soil surface from erosion and shall include, but not be limited to, crown vetch.
3. All revegetation shall be carried out in a manner that encourages a prompt vegetative cover and recovery of productivity levels compatible with the approved post-mining land use.
4. Disturbed areas shall be seeded and planted during the first normal period for favorable planting after reclamation has commenced.
5. When necessary to effectively control erosion, the disturbed area shall be seeded and planted as contemporaneously as practicable with a temporary cover of small grain, grasses, or legumes, or otherwise protected from erosion until a permanent cover is established.

I. Hours of Operation

No quarry operations shall occur between 6:00 p.m. and 6:00 a.m., prevailing local time.

Section 636 USE REQUIREMENTS

- A. There shall be no more than one use on any one lot with the following exceptions:
 - 1. Living quarters on the same lot and in the principal building, where Commercial or Industrial is the principal use. Living quarters shall be permitted only for the property owner with immediate family members. Immediate family members are defined as father, mother, spouse, brother, sister, child, mother-in-law, father-in-law, and grandparents of the owner and spouse.
 - 2. Residential use on the same lot where Agriculture is the principal use.
 - 3. Home Occupation or Professional Office use on the same lot, subject to the requirements in Section 615 of this Ordinance, where Residential is the principal use.
- B. Each lot shall have at least one approved on-lot sewage disposal system site, at least one approved alternate on-lot sewage disposal system site, and at least one on-lot water supply unless a public sewerage system or a community sewerage system serving that lot is approved by the Board of Supervisors.
- C. Each community sewerage system shall have a suitable approved alternate absorption area if it is not a stream-discharge type system.

Section 637 STANDARDS FOR KENNELS

In any Zoning District permitting Kennels, the following regulations shall apply.

For the purposes of this section, the word "animal" shall be defined as "non-hoofed animals of a type customarily kept as pets for companionship by persons within the community, except animals customarily used for agricultural purposes".

- A. Kennels shall comply with all Federal, State, County, and Township regulations.
- B. The minimum lot size for this use shall be three (3) acres. A kennel may be located on the same lot with one single-family residence. In such case the kennel, a Commercial use, will be considered the principal use for that lot.
- C. The setback distance for all buildings and structures in which animals are housed and all pens and runs shall at least one hundred feet (100') from lot lines or road lines when the adjoining use is residential, and fifty feet (50') when the adjoining use is non-residential.
- D. No more than thirty (30) animals shall be housed or boarded at one time.
- E. A Kennel License shall be obtained from the Township annually after inspection by the Zoning Officer. Each new and renewal license shall be subject to the conditions that the Zoning Officer may impose as a result of complaints that are reasonable, as determined by the Zoning Officer and the Board of Supervisors. Complaints to be considered include, but are not limited to, offensive noise or odors, and animals not confined on the kennel property.
- F. All buildings in which animals are housed shall be made soundproof enough that noises from those animals are not heard beyond the lot lines.
- G. Animals shall not be allowed in outdoor areas between 6:00 p.m. and 7:00 a.m., prevailing local time.

- H. A visually impenetrable landscape screen or fence at least six feet (6') in height shall be installed such that any pens, runs, and exercise areas are not visible from adjoining lots or public roads. All outdoor areas for animals shall be fully enclosed with a fence at least six feet (6') in height.
- I. All animal waste shall be removed from the premises for proper lawful disposal, or processed and disposed of in on-lot facilities approved by the Sewage Enforcement Officer and the Zoning Officer.
- J. Disposal of deceased animals shall not be done on the kennel property.
- K. All organic waste, including material from grooming, clipping, or other procedures performed on the animals, shall be lawfully disposed of.
- L. Prior to establishment of a kennel, an approved land development plan is required.
- M. The sale of any animal-related products shall remain accessory to the kennel.
- N. There shall be no outdoor storage of any materials whatsoever.
- O. All loading and unloading of animals and supplies related to the kennel operation shall be accomplished on the kennel property.

Section 638 ADULT ENTERTAINMENT USES

It is hereby determined that Adult Entertainment uses, as defined in this Ordinance, tend to be associated with other activities that can negatively impact the health, safety, and general welfare of the residents of this Township. These associated activities can create difficulties for law enforcement, municipal maintenance, trash, collection, and can have deleterious effects on business and residential property values, can increase crime, and in particular can lead to the corruption of the morals of minors and prostitution, and can cause residents and businesses to move elsewhere. These concerns are summarized in the American Planning Association Report #495 & #496 which were based on at least nine (9) studies conducted nationwide.

The provisions of this Ordinance restricting or limiting the locations of said activities within the bounds of the Township have been adopted for the previously stated reasons. The Township has concluded that a permitting and/or licensing process is a legitimate and reasonable means of accountability to ensure that the operators of Adult Entertainment uses comply with reasonable regulation and do not knowingly allow their establishments to be used as places of illegal activity or solicitation. The Township does not intend to suppress any activities protected by the First Amendment, but rather, the Township's regulations are intended to address these potentially detrimental secondary effects.

Adult Entertainment uses are permitted By Special Exception only in the (C-1) Commercial and (I) Industrial zoning districts and only if the property lines of the lot upon which such uses take place are at least six hundred fifty feet (650') from the property line of all of the following: (a) school; (b) church or house of worship; (c) public park; (d) any other adult entertainment use; and (e) boundary lines of any Residential Zoning District.

Section 639 INDOOR STORAGE FACILITIES

- A. In Residential Zoning Districts, the buildings housing these storage facilities shall be limited to one story in height.
- B. All vehicular access to buildings used for storage shall be paved with asphalt or concrete.
- C. There shall be a minimum of twenty-five feet (25') between buildings for vehicular access.
- D. Outdoor storage of any kind shall not be permitted.
- E. All access drives and walks shall be adequately lighted for safety while conforming to other lighting regulations in this Ordinance. The Zoning Officer shall decide the sufficiency of such lighting.
- F. The following are prohibited in storage spaces:
 - 1. Storage of anything outside of a building.
 - 2. Auctions; commercial, wholesale, or retail sales.
 - 3. Garage or miscellaneous sales.
 - 4. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or similar equipment.
 - 5. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or similar equipment.
 - 6. The establishment or operation of a storage and transfer business.
 - 7. Any use that is noxious or offensive because of odors, noise, dust, fumes, or vibration.
 - 8. The storage of flammable or hazardous chemicals.
- G. Buildings shall conform with all other applicable regulations contained in this Ordinance.
- H. Storage facilities shall be completely enclosed by a security fence with self-closing gates controlled in such a way that only storage space tenants and the property managers can access the facility. The gates shall not remain open except during ingress and egress to the facility. The minimum height of the fence shall be six feet (6'). This fencing requirement may be waived if there is live-in on-site management available twenty-four (24) hours a day and if the storage buildings are more than one hundred feet (100') from a lot line adjoining a residential use.

Section 640. WIND ENERGY SYSTEMS

A. Purpose

The wind energy systems regulations are designed to promote the safe, effective and efficient use of wind energy and to reduce the on-site consumption of utility supplied energy as an accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls.

B. General Requirements

Wind Energy Systems are subject to the following criteria:

- 1. Wind energy systems shall be permitted in the Commercial (C-1) and Industrial (I) zoning districts as an accessory use by conditional use with specific criteria as set forth in this section.

2. One windmill or windwheel (wind energy conversion unit) shall be permitted per property but only in a side or rear yard.
3. A plan shall be provided to the Zoning Officer of the Township at the time of the application for a building permit and zoning permit by the property owner with a narrative including the location of the unit, the dimensions and generating capacity of the unit, respective manufacturers and a description of the unit shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.
4. The structure supporting the wind energy conversion unit, including any required supporting cables, shall not be connected to any occupied structure and shall be located a minimum distance of the wind energy conversion unit tower height, plus three (3) times the length of its rotor from any occupied building.
5. The wind energy conversion unit shall not exceed fifty feet (50') in height, and the structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus three (3) times the length of its rotor from any property line or road right-of-way.
6. The wind energy conversion unit and all mechanical equipment and buildings associated with the operation shall conform to all minimum building setbacks and shall be enclosed with a six foot (6') fence. The tower shall also be enclosed with a six foot (6') fence, unless the base of the tower cannot be climbed for a distance of fifteen feet (15').
7. When a building is required for storage of cells or related mechanical equipment, the building may not exceed one hundred fifty (150) square feet in area or eight feet (8') in height, and must be located at least seventy-five feet (75') from any property line.
8. All electric and other utility wires associated with the wind energy system shall be buried underground.
9. The applicant shall demonstrate that any noise emanating from the wind energy system shall not exceed fifty-five (55) decibels measured at the nearest property line.
10. The property or facility owner shall not allow shadow flicker to any occupied building on an adjoining neighbor's property.
11. The tower and generating unit shall be kept in good repair and sound condition. Should any wind energy system cease to be used, the owner or operator or then owner of the land on which the wind energy system is located, shall be required to remove the same within one year from the abandonment of use.
 - a. The facility will be presumed to be at the end of its useful life (abandoned) if no electricity is generated for a continuous period of twelve (12) months.
 - b. Failure to remove the system shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties.
 - c. The Township may also file a municipal lien against the property to recover the costs of removal and attorneys' fees.
 - d. At the time of zoning permit issuance for any wind energy system, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the wind energy conversion unit.

Section 641. SOLAR ENERGY SYSTEMS

A. Purpose

The solar energy requirements are designed to recognize the need for conservation of energy and natural resources to facilitate the utilization of renewable resources. These regulations are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce energy dependence by encouraging the productive use of solar energy components.

Active and passive solar energy systems and similar alternative energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium that is intended for conveyance to a principal or accessory building.

B. General Requirements

The installation and construction of a solar energy system shall be subject to the following criteria:

1. A solar energy system is permitted in all zoning districts as an accessory to a permitted use.
2. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
4. A solar energy system may be roof mounted or ground mounted.
5. A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, may not exceed the maximum building height or accessory building height specified for the building type in the underlying Zoning District. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
6. A ground mounted system shall not exceed the maximum building height for accessory buildings.
7. A ground mounted system or system attached to an accessory building shall not be located within the required front yard setback.
8. Lot coverage of a ground mounted solar energy system shall be calculated based on the vertical plan area of the system. Of the allowable lot coverage, the ground mounted solar energy system shall not constitute more than two percent (2%) of the allowable lot coverage or three hundred sixty (360) square feet, whichever is less.
9. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
10. All power transmission lines from ground mounted solar energy system to any building or other structure shall be located underground.

11. A solar energy system shall not be constructed until a building permit has been approved and issued.
12. To the extent applicable, a solar energy system shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry.
13. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and re-seeded.
14. Where a solar energy system has been installed to serve an existing structure, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar energy system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a zoning permit or Certificate of Use and Occupancy for the solar energy system.
15. Solar energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
16. A disconnected or abandoned solar energy system shall be dismantled and removed from the property within sixty (60) days of such abandonment.

Section 642. WIND FARMS

A. Wind farms are subject to the following criteria:

1. The minimum net lot area required to install a wind farm shall be twenty (20) acres.
2. Height regulations do not apply to wind energy conversion units, provided that the structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus fifteen feet (15') from any property line or road right-of-way.
3. Principal Structures: No wind energy conversion unit in a wind farm shall be located less than five hundred feet (500') from any principal residential structure existing prior to the erection of the wind energy conversion unit.
4. Wind farm support structure safety: The Application shall demonstrate that the proposed wind energy conversion units are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All wind energy conversion units shall be fitted with anti-climbing devices, as approved by manufacturers. The Applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Wind Farm and support structure will be designed and constructed in accordance with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania Registered Professional Engineer that the wind farm and all structures comply with all applicable regulations.
5. Controls and Brakes: All wind farms shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

6. Visual Appearance/Warnings: Wind energy conversion systems shall be a non-obtrusive color such as white, off-white or gray. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
7. Fencing: A fence may be required around wind energy conversion units and other equipment, unless the design of the structures adequately provides for safety.
8. Landscaping: Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general screen the wind farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
9. Licenses; Other Regulations; Insurance: The design of the wind farm shall conform to all applicable industry standards. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The Applicant shall also document compliance with all applicable state and federal regulations. The Applicant shall submit the name, address and emergency telephone number for the operator of the wind farm; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind farm.
10. Access; Required Parking: Access to the wind farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all weather surface for its entire length. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
11. Use of Public Roads: The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the wind farm. The Township shall document road conditions prior to construction and again thirty (30) days after construction is complete or as weather permits. The Township may require the Applicant to bond road(s) in compliance with township regulations. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
12. Local Emergency Services: The Applicant shall provide a copy of the project summary and site plan to local emergency services and volunteer fire department(s). Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind farm facility.
13. Communications Interference: The Applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
14. Historic Structures: A wind farm shall not be located within five hundred feet (500') of any structure listed on any public historic register.
15. No advertising shall be permitted on equipment.

16. Color and Lighting; FAA and PA DOT Notice: Wind energy conversion units shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind energy conversion unit may be artificially lighted except as required by FAA requirements. The Applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PennDOT Bureau of Aviation.
17. Land Development Plan: A land development plan shall be required to be submitted and reviewed by the Township in accordance with the Township Subdivision and Land Development Ordinance. The plan shall show wind energy conversion units, buildings, fencing, buffering, access, and all other items required by this Ordinance and the Subdivision and Land Development Ordinance of the Township. In addition to the requirements of the Subdivision and Land Development Ordinance, the land development plan shall demonstrate that the proposed wind farm will comply with the PA Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
18. Prior to construction, the applicant will be required to obtain approval from the public utility, or other relevant entity, for the interconnection with the utility grid.
19. Physical Modifications: Any physical modification to an existing and permitted Wind Farm that materially alters the size, type and number of wind energy conversion systems or other equipment shall require land development approval under the Township Subdivision and Land Development Ordinance. Like-kind replacements shall not require a permit modification.
20. Wind farm as a Second Principal use: A wind farm shall be permitted on a property with an existing use subject to the requirements of this Ordinance and the following land development standards:
 - a. The minimum lot area and minimum setbacks required by this Ordinance for the wind farm shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - b. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - c. The Applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.
21. Discontinued Use/Decommissioning: The facility owner and operator shall, at its expense, complete decommissioning of the wind farm facility within twelve (12) months after the end of the useful life of the facility. The wind farm facility will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six inches (36"), and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and the supervisors approve that the access roads or other land surface areas not be restored.

An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval after the first year of operation and every fifth year thereafter.

The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than twenty-five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township. If the Facility Owner or Operator fails to complete decommissioning within the required period, then the landowner shall within six (6) months complete decommissioning.

If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

Section 643. SOLAR FARMS

A. General Requirements

Solar farms are subject to the following conditions:

1. The minimum net lot area required to install a solar farm shall be five (5) acres.
2. Solar farms shall be enclosed by perimeter fencing at a height of eight and one-half feet (8 ½') to restrict unauthorized access.
3. Any on-site electric lines shall, to the maximum extent practicable, be placed underground.
4. The solar farm shall be screened from the view of persons on any adjacent land zoned R-2, R-3, or R-4, or which is currently used for residential purposes.
5. Solar farms shall adhere to all yard dimension, impervious coverage, and building coverage and height requirements of the district in which they are located. All individual solar energy collectors and connecting equipment in a solar array shall be subject to the setback requirements for a principal structure in that district and shall have a maximum height of fifteen feet (15'). Any buildings on the property shall be treated as accessory structures.
6. Solar farms may be proposed as the principal use of a property, or in addition to an existing use already on a property, but the requirements herein shall apply in full to the portion of the property dedicated to use as a solar farm.
7. It shall be the responsibility of the property owner or facility owner or operator to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar farm. Such an agreement shall be negotiated between owners of affected properties, but is not a requirement for any Township permits or approvals for the solar farm.

8. Solar farms and all equipment and facilities thereon shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
9. Warning signs shall be placed at the base of any pad-mounted transformers or electrical conducting apparatus on the site.

B. Plan Requirements

A land development plan shall be required to be submitted and reviewed by the Township in accordance with the Township Subdivision and Land Development Ordinance. In addition to the requirements of the Subdivision and Land Development Ordinance, the land development application shall include the following:

1. A narrative description of the project.
2. A descriptive plot plan including setbacks, property lines, road right-of-ways, dimensions and structural details for all solar arrays, and locations of buildings, access roads, solar arrays, and all electrical lines and off-site connection points.
3. An operations agreement which shall set forth operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures, and general safety documentation.
4. Evidence of approval by the electric company or other entity receiving the energy collected from the solar farm that it will accept connection from the solar farm and that it approves of the design plans for the project.
5. An affidavit or evidence of agreement between lot owner and the facility owner or operator, if not the same person or entity, confirming that the facility owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar farm.
6. Evidence of any required permits or licenses from state or federal agencies.
7. A decommissioning plan including provisions for the removal of all structures and foundations and the restoration of soil and vegetation.
8. Any other relevant studies, report, certificates and approvals as may be reasonably requested by Alsace Township based on the unique character of the development.

C. Discontinued Use/Decommissioning

The facility owner or operator shall, at its expense, complete decommissioning of the solar farm within six (6) months after the end of the useful life of the facility. The solar farm will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of solar arrays, support equipment, buildings, electrical components and lines, roads, foundations to a depth of thirty-six inches (36"), and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and the supervisors approve that the access roads or other land surface areas not be restored.

An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval after the first year of operation and every fifth year thereafter. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided,

that at no point shall Decommissioning Funds be less than twenty-five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township. If the facility owner or operator fails to complete decommissioning within the required period, then the landowner shall within six (6) months complete decommissioning.

If neither the facility owner or operator, nor the landowner complete decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan. To the extent the Township incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the Township to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the facility owner or operator when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

Section 644. OUTDOOR SOLID FUEL BURNING FURNACES

A. Materials that may not be burned

The following items are prohibited from being burned at any time within the Township:

1. Roof shingles.
2. Tires.
3. Paint or paint cans.
4. Aerosol or spray cans.
5. Plastic.
6. Rubber.
7. Fiberglass.
8. Any wood treated with CCA, Creosote or OSMOSE.
9. No human or animal waste or any other substances which emit noxious or toxic fumes.

B. General Regulations

An outdoor solid fuel furnace or appliance may be used in the Township only in accordance with the following provisions:

1. An outdoor solid fuel furnace or appliance shall be permitted in all zoning districts, except R-4, as an accessory to a permitted use.
2. An outdoor solid fuel furnace or appliance shall be on a lot of not less than three (3) acres and shall not be less than one hundred feet (100') from any lot line.
3. An outdoor solid fuel furnace or appliance shall have a minimum chimney height of twenty feet (20') or the maximum height allowable by the manufacturer (if less than twenty feet (20'), the owner/operator must provide documentation from the manufacturer confirming the restriction).
4. An outdoor solid fuel furnace or appliance shall comply with the emissions standards as required for outdoor solid fuel burning appliances, as promulgated by the Environmental

Protection Agency (EPA). For purposes of this Section, all emission standards currently required by the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.

5. An outdoor solid fuel furnace or appliance shall not be used to burn any of the prohibited materials listed in Section 644.A of this Ordinance.
6. All outdoor solid fuel furnace or appliances shall be installed, operated and maintained in strict compliance with the manufacturer's instructions and guidelines for the said appliance. In the event that a conflict arises between the manufacturer's instructions and regulations contained in this Ordinance, the stricter instructions or regulations shall apply.
7. All ashes or waste may be disbursed on the property where the appliance is located. Any large accumulation of ashes or waste exceeding five (5) cubic yards must be disposed of in a manner approved by the Township and/or the Pennsylvania Department of Environmental Protection.
8. Outdoor solid fuel furnaces and appliances shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure, including residential swimming pools.
9. In the event an outdoor solid fuel furnace or appliance, whether installed prior to or after the effective date of the Ordinance, is damaged more than fifty percent (50%), or it is physically deteriorated or decayed, the said outdoor solid fuel furnace or appliance must be removed and/or replaced with a new unit within sixty (60) days of the date that written notice is received from the Township. In such an event, all provisions of this Section, including but not limited to permitting procedure, shall be complied with.
10. Operation of an outdoor solid fuel furnace or appliance shall not cause a nuisance to other properties.

C. Permits

1. No person shall install any new or replace any existing outdoor solid fuel furnace or appliance after the effective date of this Ordinance without first obtaining a zoning permit issued by the Township.
2. Before a permit can be issued hereunder, an inspection of the proposed installation shall be required. In addition, a site plan is required showing the location of the proposed appliance on the property, location and height of all existing structures on the property, and distances from the appliance to existing structures on the property.
3. The manufacturer's specifications and instructions shall be furnished to the Township before a permit can be issued.
4. A permit can only be issued if all regulations contained in this Section are strictly complied with
5. Any violation of the aforementioned conditions shall be deemed a violation of this Ordinance. Any violation of this Section or the issued permit shall void the permit.
6. The fee for a permit shall be determined by resolution of the Board of Supervisors from time to time pursuant to the Township Fee Schedule.

Section 645. MEDICAL MARIJUANA GROWER / PROCESSOR

- A. A Permit from the Pennsylvania Department of Health for the conduct of a medical marijuana grower/processor operation under PA Act 16 would be required as a condition of any zoning approval from the Township.
- B. The growing of medical marijuana can only be conducted by a “grower/processor” permitted under PA Act 16 and cannot be conducted separate from the processing activity.
- C. A grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district, as well as any additional special standards applicable to this use as may be required under PA Act 16.
- D. A medical marijuana grower / processor use is not considered as an agricultural use, but rather as a manufacturing use.
- E. A grower / processor use may only be conducted in an indoor, enclosed, secure facility.

Section 646. MEDICAL MARIJUANA DISPENSARY

- A. The dispensing of medical marijuana can only be conducted by a “dispensary” permitted under PA Act 16.
- B. A dispensary may only dispense medical marijuana in an indoor, enclosed, secure facility.
- C. A dispensary may not operate on the same site as a facility used for the growing and processing of medical marijuana.
- D. A dispensary may not be located within one thousand feet (1,000’) of the property line of a public, private or parochial school or a day-care center.
- E. A dispensary may sell medical devices and instruments which are needed to administer medical marijuana.
- F. A dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district, as well as any additional special standards applicable to this use as may be required under PA Act 16.
- G. Medical marijuana may only be dispensed to a patient, or caregiver, who receives a certification from a practitioner and is in possession of a valid identification card issued by the Pennsylvania Department of Health under the requirements of PA Act 16.

Section 647. WIRELESS TELECOMMUNICATIONS FACILITIES

In regards to the installation of Wireless Telecommunications facilities, Alsace Township will refer to the Wireless Broadband Collocation Act of October 24, 2012 which is included as Appendix A of this Ordinance.

ARTICLE VII NON-CONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

Section 700. STATEMENT OF INTENT

- A. Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exist, or will exist, certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations.
- B. Nothing in this Ordinance shall be deemed to require a change in the plans for any building, structure, or land use for which a zoning and/or building permit was issued prior to the effective date of this Ordinance or subsequent amendment thereto, provided the activity authorized by the zoning permit is begun, in the opinion of the Zoning Officer, within six (6) months of the issuance of the permit.

Section 701. NON-CONFORMING LOTS OF RECORD

- A. Non-conforming lots are defined as those held in single or common ownership, or are shown on a recorded subdivision plan, on the effective date of this Ordinance or amendments thereto, which do not meet the minimum lot size and/or lot width requirements of the Zoning District in which they are located.
- B. Non-conforming lots may be used for any use permitted in that district, provided that all yard, height, coverage, and open space requirements of that Zoning District are met.
- C. Two or more non-conforming lots, a combination of non-conforming lots, or portions of non-conforming lots which are contiguous and/or share continuous frontage, shall be considered to be an undivided lot for the purpose of this Ordinance, and no portion of said lot shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any lot be made which creates a lot with width or area below the requirements stated in this Ordinance.
- D. A non-conforming lot cannot increase the acreage of said lot by decreasing the acreage of an adjacent non-conforming lot without approval of the Zoning Hearing Board.

Section 702. REGISTRATION

After the enactment of this Ordinance, the Zoning Officer may assemble and maintain a listing of non-conforming uses and structures, if authorized to do so by the Township Supervisors.

Section 703. ABANDONMENT

A non-conforming use shall be considered abandoned and may not be re-established if the use is discontinued for a continuous one year period, unless during this period the owner informs the Township in writing of their intention not to abandon the use. Vacation of land or buildings or the termination of the non-conforming use previously carried on upon the property shall be evidence of discontinuance.

Section 704. CHANGE

A non-conforming use, if changed to a use permitted by right, shall not be changed back to a non-conforming use.

Section 705. EXPANSION

A. Non-Conforming Uses

A non-conforming use shall not be expanded or intensified unless such expansion or intensification has been approved as a Special Exception by the Zoning Hearing Board.

If expansion is permitted by the Zoning Hearing Board, the following regulations shall apply:

1. A non-conforming use shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.
2. Any additional uses established in connection with an existing non-conforming use shall meet all the Area, Yard and Height Regulations of the applicable Zoning District and all General Regulations of this Ordinance.
3. Expansion of that portion of a non-conforming use carried on outside a building or structure shall be in accordance with all applicable Area Yard and Height Regulations of this Ordinance.
4. A non-conforming use may be expanded within a building containing that non-conforming use at the effective date of this Ordinance, provided that the non-conforming use shall not occupy a portion of the building which contained a conforming use at the effective date of this Ordinance. A non-conforming use may also be expanded into a new building or extension of an existing building containing the use.
5. Total Expansion of a non-conforming use shall not exceed twenty-five percent (25%) of the area occupied by the use at the time of the effective date of this Ordinance.

B. Non-Conforming Buildings And Structures

1. A non-conforming building or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.
2. Any additional structures or buildings erected or established in connection with an existing non-conforming use shall meet all the Area, Yard and Height Regulations of the applicable zoning district and all General Regulations of this Ordinance.
3. A non-conforming building or structure shall not be enlarged, increased, repaired, maintained, or modified in any manner which will further violate any applicable Area, Yard or Height regulation imposed by this Ordinance.

Section 706. MOVEMENT AND REPLACEMENT

- A. A building or structure containing a non-conforming use or a nonconforming building or structure may be replaced by a new building or moved to another location on the same lot, provided that the building or structure shall comply with all Area, Yard and Height regulations, and general regulations applicable to the zoning district in which it is located.

Section 707. DAMAGE OR DESTRUCTION

- A. When structurally damaged or destroyed by any means, non-conforming buildings and structures or portions thereof and buildings and structures or portions thereof containing a non-conforming use shall be inspected by the Zoning Officer and if deemed unsafe, shall be demolished or made safe and secure as directed by the Zoning Officer.
- B. Rebuilding without expansion is permitted at the same location on the lot. Replacement buildings and structures shall not be more non-conforming than the building or structure being replaced and may be used for the same non-conforming use.
- C. Replacement buildings and structures shall comply with all other requirements of this Ordinance. New construction shall begin within twelve (12) months of the date of destruction and be carried to completion without interruption.

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

Section 800. ZONING OFFICER

A. Appointment

A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Ordinance. Compensation of the Zoning Officer shall be established by the Supervisors. The Zoning Officer shall not hold any elective legislative office in the Township.

B. Duties and Powers

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and the amendments thereto and he shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

1. Receive applications for zoning and/or building and sign permits and issue zoning and/or building and sign permits as set forth in this Ordinance.
2. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence.
3. Make inspections as required to fulfill the duties of the job. In doing so, however, the permission of the land owner or tenant shall first be sought and, in the event such permission cannot be voluntarily obtained, such other legal means as are authorized under the law shall be taken.
4. Issue permits for buildings, structures and land uses for which subdivision and land development approval is required only after all necessary approvals have been secured and plans recorded.
5. Issue permits for uses requiring new or altered on-lot sewage disposal facilities only after any necessary permit has been issued by the Township Sewage Enforcement Officer.
6. Issue permits for special exception uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance. Issue permits for conditional uses only after a conditional use has been approved by the Township Supervisors.
7. Issue permits for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue permits for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
8. Be responsible for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.
9. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
10. Register identified non-conforming structures and uses created as a result of the adoption of this Ordinance and the Official Zoning Map, or created as a result of amendments thereto, if directed to do so by the Township Supervisors.
11. Submit a monthly report of activities to the Township Supervisors and Township Planning Commission.

12. When directed by the Township Supervisors, send enforcement notices as provided in the Pennsylvania Municipalities Planning Code, as amended.
13. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Zoning Officer's employment, when authorized by the Township Supervisors.

Section 801. ZONING PERMITS AND BUILDING PERMITS

A. Requirements

No building or structure, except temporary fences such as snow fences and fences around construction sites and farm buildings as noted below, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered nor shall land, buildings and structures be put to any use or additional use or have their use changed without a permit therefore issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction.

In case of farm buildings situated more than one hundred feet (100') from any road or property line, it will be necessary to notify the Zoning Officer of the contemplated or proposed construction. All such farm buildings shall be erected in conformity with the use and area and yard regulations of the district in which such farm buildings are located and the General Regulations of this Ordinance.

B. Application Procedures

The application for a Zoning and/or Building Permit shall be submitted to the Zoning Officer or Building Inspector in writing on a form prescribed by the Township. The application shall be accompanied by all of the information required by the Township and shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent.

C. Approval or Disapproval

Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning Ordinance and all other Township Ordinances. Within thirty (30) days from the day he receives the application sixty (60) days when Plan approval is required in accordance with Section 809 of this Ordinance), the Zoning Officer shall either approve or disapprove the application and return one copy of the application and accompanying information containing the Zoning Officer's decision and signature to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicants of their rights to appeal.

- D. Issuance and Posting of Permit
Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Permit which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for one year periods not exceeding a total of two (2) years. A Zoning and/or Building Permit shall expire if the activity which is authorized by the permit is not begun, in the opinion of the Zoning Officer, within one year of issuance of the permit.
- E. Rights of Permit Holders
The permit shall be a license to proceed with the work described on the approved application in accordance with all Township Ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in this Ordinance.

Section 802. CERTIFICATE OF USE AND OCCUPANCY

- A. Requirements
It shall be unlawful to use, furnish, otherwise make habitable and/or occupy any building, structure or land or portion thereof for which a zoning and/or building permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a Certificate of Use and Occupancy unless he has inspected such building, structure or land and has determined that all provisions of this Ordinance and other rules, regulations and ordinances of the Township have been complied with.
- B. Issuance
Upon the written receipt of notification that the work for which a zoning and/or building permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder.

For uses for which performance standards are imposed by this Ordinance, no Certificate of Use And Occupancy shall become permanent until thirty (30) days after the use is in operation and only after, upon re-inspection by the Zoning Officer, it is determined that the use is in compliance with all performance standards. After such re-inspection, the Zoning Officer shall notify the applicant that the Certificate of Use and Occupancy is permanent, or that the use is not in compliance and that the Certificate of Use and Occupancy will be revoked within thirty (30) days of the notification if compliance with all performance standards is not secured.

Section 803. SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Supervisors shall establish, by resolution, a schedule of fees and charges for requests for zoning and/or building permits, certificates of use and occupancy, special exceptions, variances, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter.

Section 804. AMENDMENTS

The provisions of this Ordinance and the Official Zoning Map may from time to time be amended, supplemented, or changed by the Township Supervisors.

A. Procedure

The following procedures shall be observed prior to making any amendment or change to this Ordinance or parts thereof, including the Official Zoning Map:

1. Every proposed amendment or change not initiated by the Township Planning Commission shall be referred to the Township Planning Commission at least thirty (30) days prior to the date of the public hearing the Township Supervisors hold on the amendment to provide the Township Planning Commission an opportunity to submit recommendations prior to the hearing. The Planning Commission shall review each amendment against the Community Development Objectives, Land Use Plan, Circulation Plan, and Community Facilities Plan comprising the Comprehensive Plan for the Township.
2. All proposed amendments to this Ordinance shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.
3. Curative Amendments - The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended. A curative amendment shall be referred to the County and the Township Planning Commissions as provided in this section and notice of any hearing thereon shall be given as provided by law.

B. Submission of Impact Statements

With a request for a zoning amendment initiated by other than the Township Planning Commission or Township Supervisors, a statement indicating the impact of the zoning change on the Township shall be submitted with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

Environmental Impact - The impact on wooded areas, flood plains, areas of high water table, wildlife habitats, storm water runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation, and noise levels.

Traffic Impact - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

Services Impact - The demand for school, police, sewer, water, sanitation, and road maintenance services.

C. Public Hearing and Enactment Procedures for Zoning Amendments

1. Public Hearing – Before voting on the enactment of the Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice and electronic and/or mailed notice (as defined herein and listed below) has been given.
2. Public Notice – Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:

- a. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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. Publication of the proposed amendment shall include either the full text thereof of the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
 - An attested copy of the proposed Ordinance shall be filed in the County Law Library, or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.
 - b. For Zoning Map amendments, public notice shall also include the Township posting of a sign or signs at one or more conspicuous locations deemed sufficient by the Township to notify potentially interested citizens. The sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing. In addition, notice of the public hearing shall be sent by first class mail by the municipality at least thirty (30) days prior to the date of the public hearing to the addressees to which real estate tax bills are sent for all real property located within the area to be rezoned, as evidenced by the tax records within possession of the Township. Such notice shall include the location, date and time of the public hearing. The first class mail notice requirement shall not apply when the rezoning constitutes a comprehensive rezoning.
 - c. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.
 - d. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, mailed notice and electronic notice before proceeding to vote on the amendment.
3. Notice – Mailed Notice or Electronic Notice. In any case in which mailed notice or electronic notice is required by this Ordinance, the following shall apply:
 - a. An owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township may request that the Township provide written or electronic notice of a public hearing which may affect such tract or parcel of land.

- b. Mailed notice shall be required only if an owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township has made a written request that the notice be mailed and has supplied the Township with a stamped, self-addressed envelope prior to a public hearing.
- c. Electronic notice shall be required only if an owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township has made a written request that notice be sent electronically and has supplied the municipality with an electronic address prior to a public hearing and only if the Township maintains the capability of generating an electronic notice. An owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township making the request and supplying an electronic address may at any time notify the Township that the owner of the tract or parcel of land located within the Township or the owner of the mineral rights in the tract or parcel of land within the Township no longer will accept electronic notice, and, in that event, the Township may no longer provide electronic notice.
- d. An owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township who has requested a mailed notice shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. The Township shall not be responsible or liable if the owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township does not provide to the Township notice of any changes in the owner's mailing address.
- e. An owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township who has requested electronic notice shall be solely responsible for the accuracy and functioning of the electronic address provided to the Township. The Township shall not be responsible or owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township does not provide to the Township notice of any changes to the owner's electronic address.
- f. The Township shall deposit a mailed notice in the United States mail or provide electronic notice not more than thirty (30) and not less than seven (7) days prior to the scheduled date of the hearing as shown on the notice.
- g. For each public hearing, the Township Secretary or Zoning Officer shall prepare, sign and maintain a list of all mailed notices, mailing dates, electronic notices and electronic notice dates. The signed list shall constitute a presumption that the notice was given.
- h. The mailed notice shall be deemed received by an owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township on the date deposited in the United States mail.
- i. The electronic notice shall be deemed received by an owner of a tract or parcel of land located within the Township, or an owner of the mineral rights in a tract or parcel of land within the Township on the date the Township electronically notifies the owner.

- j. Failure of an owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township to receive a requested mailed notice or electronic notice shall not be deemed to invalidate any action or proceedings under this Ordinance.
4. **Enactment Notice** – In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days, nor less than seven (7) days, prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Section 804.C.2 of this Ordinance.
 5. **Township Planning Commission Referrals** – For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment. A report of the review by the Township Planning commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and the Official Comprehensive Plan of the Township.
 6. **Adjournment of Public Hearing** – If, during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.
 7. **Copies of Adopted Amendments** – Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance and/or Zoning Map shall be forwarded to the Berks County Planning Commission.

Section 805. ENFORCEMENT NOTICE

- A. If it appears to the Township Supervisors that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 806. ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment equal to the maximum allowable by law, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

Section 807. APPEALS

Proceedings for securing review of any ordinance or of any decision, determination or order of the Township Supervisors, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Section 808. CONDITIONAL USE PROCEDURES

- A. Application
Application for permission to conduct a use permitted by condition shall be submitted to the Township Secretary, and such application shall include all information specified for a zoning permit application in Section 801 of this Ordinance and any other information necessary to allow the Board of Supervisors to determine that all requirements of this Ordinance have been met.
- B. Review
The hearing shall be conducted by the Board of Supervisors or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where

no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code, as amended and this Ordinance.

The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the board. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Municipalities Planning Code, as amended, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in section 901 (C) of this Ordinance, within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the board shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board shall fail to provide such notice, the applicant may do so.

Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.

C. Standards

Conditional uses shall meet the specific standard established for each use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

1. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
2. Services and utilities shall be made available to adequately service the proposed use.
3. The use will not generate traffic such that hazardous or unduly congested conditions will result.
4. The use is appropriate to the site in question.

5. The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

The Township Supervisors may impose such additional reasonable conditions and safeguards as they deem necessary to protect the public health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

Section 809. LAND DEVELOPMENT PLAN APPROVAL

- A. Scope
Any activities which qualify under the definition of land development in Section 201 of this Ordinance shall be subject to a land development plan approval prior to the issuance of zoning or building permits.

In situations where it is not certain whether an activity constitutes land development, the Zoning Officer shall direct the applicant to present enough information informally to the Planning Commission for a decision. The Planning Commission shall recommend to the Township Supervisors and the Zoning Officer whether or not a land development plan is required.
- B. Application Procedures
The application procedure shall be in accordance with land development plan application requirements specified in the Alsace Township Subdivision and Land Development Ordinance.
- C. Review
The Planning Commission shall examine the material and make its recommendation to the Township Supervisors in accordance with the requirements of this Ordinance and the Municipalities Planning Code, as amended.
- D. Issuance
All plan approval reviews shall be forwarded to the Zoning Officer and maintained as a matter of public record. Notice of the decision shall be given to all interested parties requesting such notice. A plan approval shall continue in effect for one year from the date it is supplied to the Zoning Officer. If no construction work is undertaken by that date, the approval shall be nullified.

ARTICLE IX ZONING HEARING BOARD

Section 900. CREATION AND ORGANIZATION

A. Creation of Board

The Township Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and this Ordinance.

The Township Supervisors may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. The alternate members may serve as provided for in said Code.

B. Organization

The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board shall have its own counsel, who shall whenever possible attend all hearings of the Board and review all decisions of the Board so they conform to the law.

C. Meetings

Meetings and hearings of the Board shall be held at the call of the Chairman and at such other times as the Board, by majority vote, may determine.

D. Minutes and Records

The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Secretary of the Township Supervisors and the Secretary of the Township Planning Commission as requested by the Township Supervisors. Such records shall be the property of the Township.

Section 901. HEARINGS

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Township Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The Township Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation

for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

- C. The first hearing before the Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- D. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any parties or their representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any parties or their representative unless all parties are given an opportunity to be present.
- K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that the decisions or findings are final, the Board shall make the report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under section 916.1 of the Municipalities Planning Code, as amended, where the board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection (C) of this section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (A) of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 902. FUNCTIONS OF THE ZONING HEARING BOARD

- A. Authority
The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended. The jurisdiction of the Zoning Hearing Board and the Township Supervisors, and the procedures to be followed by each, shall be as established in said Code.
- B. Variances
The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the

Zoning Officer. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

C. Special Exceptions

The Board shall hear and decide, upon application, only such special exceptions which the Board, by the provisions of this Ordinance, is specifically authorized to issue. The granting of a Special Exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition to approval of the application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

1. Such use shall be one which is specifically authorized as a Special Exception use in the Zoning District wherein the applicant seeks a special exception.
2. Such Special Exception shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.
3. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
4. Such use shall be of such size and so located and laid out in relation to its access roads that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
5. Services and utilities shall be made available to adequately service the proposed use by the applicant.
6. The granting of the Special Exception shall be consistent with the Township Comprehensive Plan. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

D. Other Powers

The Board shall exercise any other power specifically granted to the Board under the terms of this Ordinance or the Pennsylvania Municipalities Planning Code, as amended.

Section 903. PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD

The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Secretary of the Zoning Hearing Board. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

Section 904. EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES

Unless otherwise specified by the Board, a Special Exception or Variance shall expire if the applicant fails to obtain a zoning permit, where required, within twelve (12) months from the date of authorization of the special exception or variance.

Section 905. REVIEW OF APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES BY THE TOWNSHIP PLANNING COMMISSION AND TOWNSHIP SUPERVISORS

The Secretary of the Zoning Hearing Board shall forward a copy of any application for a Special Exception or Variance to the Township Planning Commission and Township Supervisors for the opportunity to review and comment at a regularly scheduled public meeting prior to the hearing held by the Board on such application.

Section 906. GENERAL STANDARDS FOR ZONING HEARING BOARD ACTION

In any instance where the Zoning Hearing Board is required to consider an Exception or Variance to this Ordinance in accordance with the provisions of this Ordinance, the Board shall, among other things:

- A. Assure itself that the proposed change is consistent with the spirit, purpose and intent of this Ordinance.

- B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- C. Determine that the proposed change will serve the best interests of the community and the public welfare.
- D. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities such as public water, public roads, sewers, police and fire protection, and public schools and assure adequate arrangements for sanitation in specific instances.
- E. Be guided in its study, review and recommendation by sound standards of subdivision practice where applicable.
- F. Guide the development of highway frontage insofar as possible so as to limit the total number of access points and encourage the fronting of buildings on parallel marginal roads or on roads perpendicular to the highway.
- G. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major highways from undue congestion and hazard.
- H. Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from a governmental health agency in any case required herein or deemed advisable.
- I. Require that all commercial or industrial parking, loading access or service areas shall be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- J. Impose such conditions, in addition to those required, as are necessary to assure that the general purpose and intent of this Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a light or sound screen, and the minimizing of noxious, offensive or hazardous elements.

Section 907. MEDIATION OPTION

Parties to authorized proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE X ENACTMENT

Section 1000. PUBLIC UTILITIES CORPORATION EXEMPTED

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

Section 1001. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Alsace, Berks County, Pennsylvania that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 1002. REPEAL OF CONFLICTING ORDINANCES

The Alsace Township Zoning Ordinance of 1993, Ordinance Number 93-1, and any and all amendments thereto are hereby repealed. All other ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Ordinance; provided, however, that the provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this enacted Ordinance.

Section 1003. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

Duly enacted by the Board of Supervisors of the Township of Alsace, Berks County, Pennsylvania, this 20th day of December, 2017 in lawful session duly assembled.

**TOWNSHIP OF ALSACE
BOARD OF SUPERVISORS**

BY: 
Phillip P. Kline, Chairperson

BY: 
Michael D. Stump, Vice-Chairperson

BY: 
Sam Mallatratt, Member

Attest: 
Kimberly Mallatratt
Business Manager/Secretary/Treasurer