

Article 2: Definitions

Section 201: General Interpretation.

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

Section 202: Specific Terms

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

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

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

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

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

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

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

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

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

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

Act 537 Plan: The Sewage Facilities Plan for Lower Alsace Township, as prepared and adopted in accordance with Pennsylvania Act 537, as amended.

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

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

Agent: Any person other than the applicant or developer who, acting for the applicant or developer, submits subdivision or land development plans to Lower Alsace Township for the purpose of obtaining approval.

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

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

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

Annexation: The act of adding, joining or uniting one (1) lot or parcel of land to another lot or parcel of land in order to create out of the said two (2) lots or parcels of land a larger lot or parcel of land intended for separate use, building development, or transfer of ownership.

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

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

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

Architect: An architect registered by the Commonwealth of Pennsylvania.

Berm: An earth mound with a uniform side slope covered with grass, shrubbery or ground cover and which is designed and intended to obstruct views, create landscape interest, impound water and/or to establish final grade.

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

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

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

Borough: Mount Penn Borough, Berks County, Pennsylvania.

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

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

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

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

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

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

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

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

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

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

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

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

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

Centerline (Street): A line measured midway between and parallel to the street right-of-way line, or as otherwise defined on plans and deeds of record.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

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

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

Crosswalk: A defined area within a public or private street right-of-way for pedestrian use extending from one side of the street or block to the other side of the street or block.

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

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

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

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

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

Depression: A low place or elevation of any size surrounded by higher ground on all sides and having no natural outlet for surface drainage.

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

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

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

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

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

Distance Between Buildings: The shortest horizontal distance between buildings.

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

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

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

- (1) **Single-Family Detached Dwelling:** A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building.
- (2) **Single-Family Semi-Detached Dwelling:** A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a vertical common wall.
- (3) **Two-Family Detached Dwelling Unit (Duplex):** A building arranged, designed or intended for occupancy of two (2) families, living independent of each other in separate dwelling units that are separated by a common horizontal floor as opposed to a common vertical wall: A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a vertical common wall.
- (4) **Multi-Family Apartment Dwelling:** A building arranged, designed and intended to be occupied exclusively as a residence for three (3) or more families. Individual dwelling units may share up to three (3) part walls with other units and either have a common outside access areas or have individual outside access areas. Types of such buildings shall include apartments and/or condominiums.

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

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

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

Egress: A point of exit from a property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Floodplain Ordinance: The most recent version of the Lower Alsace Township Floodplain Ordinance, as adopted by the Lower Alsace Township Board of Supervisors.

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

Geographic Information System (GIS): A computer-based system that links the geographic location of map features to text information or databases.

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

Ghost Lakes: Transient surface bodies of water formed in depressions after heavy rainfall events.

Glare: A sensation of brightness within a visual field, which may cause annoyance, discomfort, loss of vision and/or the ability to focus

Governing Body: The Lower Alsace Township Board of Supervisors.

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

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

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

Height: The vertical distance measured from the average elevation of the ground or finished grade to the highest point of a building or structure.

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

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

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

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

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

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

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

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

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

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

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

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

Ingress: A point of entrance to a property

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

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

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

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

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

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

Land Development: Any of the following activities:

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

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

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

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

Light or Lighting: The illumination of an internal or external area with radiant energy that is capable of producing a visual sensation, whereas the electromagnetic spectrum typically extends from about 380 to 770 nanometers. Additional terms and definitions relative to “light” and “lighting” are contained within the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance..

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maintenance Guarantee: A form of security, which may be required of a developer by Lower Alsace Township in order to assure stability of improvements within a subdivision or land development over a given period of time, as prescribed by this Ordinance.

Marker: A metal pipe or pin of a least ¾ inch diameter and at least 30 inches in length utilized to mark or identify certain property corners or boundary limits.

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

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

Monument: A stone or concrete monument with a flat top of at least 4 inches in diameter or square, a flat bottom of at least 6 inches in diameter or square, and at least 30 inches in length utilized to mark or identify certain property corners, boundary limits or rights-of-way. All stone monuments shall contain an indented cross or ¼ inch drill hole to signify the center of the mark. All concrete monuments shall contain a copper or brass dowel (plug) and shall have a distinctive feature on the top face to signify the center of the mark.

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

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

Municipality: Lower Alsace Township, Berks County, Pennsylvania.

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

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

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

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

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

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

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

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

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

Ordinance: The Lower Alsace Township Subdivision and Land Development Ordinance of 2011, including any related provisions or amendments.

PA: The Commonwealth of Pennsylvania.

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

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

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

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

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

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

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

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

Permitted Use: A use permitted in a particular district to occupy or use land for a specific purpose in accordance with the Joint Zoning Ordinance.

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

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

- (1) **Sketch Plan:** An informal plan, drawn to scale, indicating existing features of a tract and the general layout of the proposed subdivision or land development. The plan shall be presented for discussion purposes only and not for formal review or approval.
- (2) **Preliminary Plan:** A tentative subdivision or land development plan (including all required supplementary data) accurately prepared and showing all lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features, as required by this Subdivision and Land Development Ordinance.
- (3) **Final Plan:** A complete subdivision or land development plan (including all required supplemental data) accurately prepared and showing all lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features required by this Subdivision and Land Development Ordinance. All such final plans shall be prepared for the consideration of municipal approval and recordation, as required by this Subdivision and Land Development Ordinance.
- (4) **Annexation Plan:** A complete and accurately prepared plan showing the transfer of certain land areas from one parcel of land to another parcel of land. All such annexation plans shall be prepared as final plans for the consideration of municipal approval and recordation, as required by this Subdivision and Land Development Ordinance.

- (5) **Minor Land Development Plan:** A complete land development plan with minor improvements or impacts that is accurately prepared and showing all lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features required by this Subdivision and Land Development Ordinance. All such minor land development plans shall be prepared as final plans for the consideration of municipal approval and recordation, as required by this Subdivision and Land Development Ordinance.
- (6) **Minor Subdivision Plan:** A complete subdivision plan containing three (3) or fewer lots with minor improvements or impacts that is accurately prepared and showing all lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features required by this Subdivision and Land Development Ordinance. All such minor subdivision plans shall be prepared as final plans for the consideration of municipal approval and recordation, as required by this Subdivision and Land Development Ordinance.
- (7) **Plan of Record or Record Plan:** An accurate set of plans of the entire tract, subdivision or land development showing all distinctive features and improvements as proposed to be constructed including lot lines, easements, rights-of-way, street, curbs, sidewalks, pathways, monuments, markers, off-street parking areas, off-street loading areas, buildings, structures, signs, stormwater management facilities, sanitary sewage disposal facilities, water supply facilities, utilities, landscaping, common open space, and other significant features determined appropriate by the municipality with jurisdiction. All such Plans of Record shall be prepared at the scale required by the provisions of this Subdivision and Land Development Ordinance and shall be recorded with the Berks County Recorder of Deeds.
- (8) **As-Built Plan:** An accurate set of plans of the entire tract, subdivision or land development showing all distinctive features and improvements as actually constructed including lot lines, easements, rights-of-way, street, curbs, sidewalks, pathways, monuments, markers, off-street parking areas, off-street loading areas, buildings, structures, signs, stormwater management facilities, sanitary sewage disposal facilities, water supply facilities, utilities, landscaping, common open space, and other significant features determined appropriate by the municipality with jurisdiction. All such As-Built Plans shall be prepared at the same scale as the approved Final Plan and shall be recorded with the Berks County Recorder of Deeds.

Planning Commission: The Lower Alsace Township Planning Commission, Berks County, Pennsylvania.

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

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 the Joint Zoning Ordinance. Unless otherwise specified by the Joint Zoning Ordinance, only one (1) principal use shall be permitted on a lot.

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

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

Public Hearing: A formal meeting held pursuant to public notice by Lower Alsace Township, intended to inform and obtain public comment, prior to taking action in accordance with this Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code.

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

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation within Lower Alsace Township. 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.

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

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

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

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

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

Resubdivision: Any change of lot lines, as identified on a previously approved subdivision plan. Any change of lot lines, replattings, or new division of land shall be considered as constituting a new subdivision of land.

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

Retention Pond: A reservoir, formed from soil or other material, which is designed to detain a certain amount of surface water within a defined area, which may also be designed to permanently or temporarily accommodate storm water runoff over a period of time. Retention ponds may also receive and relinquish surface water, but shall maintain a certain volume of water that may vary depending upon seasonal or climatic conditions.

Review: The formal or informal evaluation of a subdivision plan or land development plan, including all supplemental plans, reports, profiles and drawings, by the designated persons, agencies, consultants, officials and/or staff members of Lower Alsace Township.

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

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

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

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

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

- (1) **On-Lot System:** A sewage disposal system which collects, conveys, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.
- (2) **Community System:** A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.
- (3) **Public or Municipal System:** A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant.
- (4) **Optional System Requirement:** A special or unique use of land, which because of its wastewater disposal requirements may have the option to utilize on-lot sewage disposal methods or connect to a private, community, public or municipal treatment system. The selected method for wastewater collection, conveyance and treatment shall be consistent with the Act 537 Plan, the municipal sewer use ordinances, and Pennsylvania Sewage Facilities Act.

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

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

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

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

Sight Distance: The length of roadway visible to a driver of a standard passenger vehicle at any given point along the roadway when the view is unobstructed by traffic. Horizontal sight distance measurements shall be made in each direction from a point 10 feet from the edge of the cartway and 3.5 feet above the road surface to a point 3.5 feet above the centerline of the road.

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

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

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

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

Soil Percolation Test: A field test conducted to measure the absorption rate of water into the ground or soil at a given depth and location, whereas the results are utilized to determine the suitability for on-lot sewage disposal facilities, stormwater management facilities and/or other site improvements.

Solicitor: The legal consultant or attorney appointed by the Lower Alsace Township Board of Supervisors to provide professional legal services, recommendations and opinions.

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

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

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

State: The Commonwealth of Pennsylvania and its designated agencies.

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

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

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

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

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

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

Stormwater Management Ordinance: An ordinance prepared and adopted by the Lower Alsace Township in order to comply with local, regional, state and federal requirements that are relative to stormwater management and site improvements within the Schuylkill River Watershed.

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

Stream: Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank

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

- (1) **Expressways:** Routes providing for corridor movements that represent substantial statewide, interstate, or regional travel and movements between major urban areas. Expressways contain the most heavily traveled routes (10,000 to 100,000 trips per day) and including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (50 to 65 MPH) with a minimum of interference to through traffic. Expressways facilitate truck transport by providing optimum conditions. Mobility is the principal function and accessibility should be limited to carefully planned interchanges to preserve the functional classification of expressways.
- (2) **Arterials (Minor and Major Arterial):** Routes providing for corridor movements that represent substantial statewide or regional travel and movements between major urban areas. Arterial routes contain heavily traveled routes (5,000 to 25,000) including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (35 to 55 MPH) with a minor interference to through traffic. Arterial routes facilitate truck transport by providing favorable conditions. Mobility is the major function and accessibility should be limited to preserve the functional classification.
- (3) **Collectors (Minor and Major Collector):** Routes that serves primarily regional or intra-county trips and represents those routes with shorter travel distances than arterial routes. Collector roads contain well-traveled roads (500 to 10,000 trips per day) leading to specific destinations or to expressways and arterial routes. The system is designed for moderate speeds (25 to 45 MPH) with some interference with designed intersections to permit through traffic. Depending upon its structural integrity and design, collector routes can facilitate lightweight truck transport. Mobility is a significant function and accessibility should be limited to street intersections and driveways in order to preserve the functional classification of collector roads.
- (4) **Minor Streets or Local Access Streets:** Roads that primarily serve local trips and represents those routes with shorter travel distances than collector routes. Local roads contain low volume to moderately traveled roads (less than 500 trips per day) leading to collector and arterial routes. The system is designed for lower speeds (20 to 35 MPH) with interference with a number of designed intersections. Local roads are typically designed to facilitate lightweight truck transport for local deliveries. Mobility is a minor function and accessibility to street intersections, driveways and adjacent land areas is significant for local roads.
- (5) **Marginal Access Roads:** Roads that serve specific land uses, which are parallel or adjacent to an expressway, arterial or major collector roads. Marginal access roads are typically designed to accommodate the use(s) they directly serve. Accessibility between selective points is an essential design element with control at the point of destination. Many marginal access roads are privately owned and maintained.
- (6) **Cul-De-Sac Street:** A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.
- (7) **Internal Street:** A minor street used for circulation and access within a development involving multi-residential, commercial and/or industrial land uses.
- (8) **Service Street (Alley):** A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.
- (9) **Public Street:** An improved cartway within a dedicated right-of-way that is owned and maintained by Lower Alsace Township or the Commonwealth of Pennsylvania.
- (10) **Private Street:** An improved cartway within a defined right-of-way that is not owned and maintained by Lower Alsace Township or the Commonwealth of Pennsylvania.
- (11) **Pedestrian Path:** An improved lane, sidewalk, trail or path, which is specifically designated for pedestrian use either along a street or contained within a park, common open space area, off-street parking area and/or other areas approved for community use.
- (12) **Bicycle Lane:** An improved travel lane, trail or path, which is specifically designated for persons riding bicycles and other permitted non-motorized vehicles.

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

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

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

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

Subdivider: Any landowner, whether an individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, or an agent of said landowner authorized by the applicant, which undertakes the subdivision or development of land in accordance with the provisions of Lower Alsace Township.

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

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

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

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

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

Township: Lower Alsace Township, Berks County, Pennsylvania.

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

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

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

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

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

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

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

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

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term waste shall also include and apply to waste that may be considered as either hazardous, contaminated, toxic, residual, municipal or recyclable, as further defined by the Commonwealth of Pennsylvania, the United States Environmental Protection Agency, and/or other agency having jurisdiction.

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

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

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

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

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

Wetlands Overlay District: A conservation overlay of land and water, which include areas of wetlands, as further defined and regulated under Section 509 of the Joint Zoning Ordinance.

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

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

Woodlands Overlay District: A conservation overlay of woodlands and forested areas, which are further defined, categorized and regulated within the Joint Zoning Ordinance.

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

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

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

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

Zoning Map: Refer to the term "Joint Zoning Map".

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

Zoning Ordinance: Refer to the term "Joint Zoning Ordinance".