

## *Article 5: Overlay Districts*

### **Section 501: Statement of Intent**

- (A) The purpose of the Overlay Districts that have been established as part of this Joint Zoning Ordinance is to implement the goals, objectives and policies of the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, which pertain to conservation management, environmental resource protection, natural resources, economic development, historic preservation, streetscape enhancements, corridor development and open space preservation. In order to strategically implement the goals, objectives and policies, the following Overlay Districts are hereby established as part of this Joint Zoning Ordinance:

**Carsonia Avenue Overlay District**

**Floodplain Overlay District**

**Historic Preservation Overlay District**

**Perkiomen Avenue Overlay District**

**Riparian Buffer Overlay District**

**Spook Lane Overlay District**

**Steep Slope Overlay District**

**Wetlands Overlay District**

**Woodlands Overlay District**

- (B) The Overlay Districts incorporated within Article 5 of this Joint Zoning Ordinance include provisions to supplement and enhance the existing underlying district regulations for certain land areas and water features. These supplemental regulations should not replace the existing underlying zoning district regulations. In cases where the Overlay Districts should overlap, the more restrictive standards and specifications shall apply.
- (C) The land and water areas encompassed by the Overlay Districts shall be subject to the interpretation of the Zoning Officer with municipal jurisdiction. Should a dispute arise concerning the interpretation of the boundaries or limits of those land or water areas encompassed by the Overlay Districts, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board with municipal jurisdiction. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the person appealing the interpretation of the Zoning Officer with municipal jurisdiction.

### **Section 502: Carsonia Avenue Overlay District**

- (A) **Purpose:** The Carsonia Avenue Overlay District shall be a special overlay to the underlying zoning districts within Lower Alsace Township and/or Mount Penn Borough. The purpose of the Carsonia Avenue Overlay District are outlined as follows:
- (1) To improve the aesthetics, architectural appearance, commercial centers, and streetscape design within a defined corridor of Lower Alsace Township and/or Mount Penn Borough.
  - (2) To require uniform streetscape improvements and site enhancement measures such as street trees, streetlights, curbing, sidewalks, pedestrian crosswalks, architecture, controlled signage, traffic calming measures and gateway planning, which reflect the overall community vision.
  - (3) To improve the modes of transportation by enabling automobile, pedestrian and bicycle traffic to coexist in a planned and harmonious community.

- (4) To retain and expand existing businesses to preserve a sound tax base and provide employment opportunities.
  - (5) To encourage adaptive reuse and redevelopment opportunities.
  - (6) To provide incentive-minded parameters to attract or expand desirable uses.
  - (7) To implement the recommendations for land use planning, economic development and transportation, which are contained within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough
- (B) **Proximity:** The Carsonia Avenue Overlay District has been depicted on an insert map, which has been included within Appendix C and Appendix D of this Joint Zoning Ordinance.
- (C) **Application:** Subdivision and land development activity within the Carsonia Avenue Overlay District shall be designed in accordance with the following application requirements:
- (1) Applications involving a minor subdivision or minor land development may utilize the lot area and dimensional requirements specified by the underlying zoning district, provided that compliance can not be achieved with the provisions of the Carsonia Avenue Overlay District. Where feasible, all such applications shall be designed in accordance the land use, planning, engineering, architectural and development provisions that are specified for the Carsonia Avenue Overlay District.
  - (2) Applications involving a major subdivision or major land development shall utilize the lot area and dimensional requirements that are specified for the Carsonia Avenue Overlay District. All such applications shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified for the Carsonia Avenue Overlay District.
  - (3) The municipality with jurisdiction may permit the land uses that are permitted within the underlying zoning district as a conventional development. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district and the Carsonia Avenue Overlay District. Should a conflict exist, the provisions of the underlying zoning district shall apply.
- (D) **Uses by Right:** The following principal and accessory uses shall be permitted by right within the Carsonia Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:
- (1) Principal and accessory uses permitted by right within the underlying zoning district shall be permitted by right within the Carsonia Avenue Overly District. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district.
  - (2) Banks and Financial Institutions, subject to Section 606 of this Joint Zoning Ordinance.
  - (3) Business, Professional or Governmental Office containing less than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance
  - (4) Library, subject to Section 630 of this Joint Zoning Ordinance.
  - (5) Medical, Dental, Vision, Counseling and Health Care Providers, subject to Section 633 of this Joint Zoning Ordinance.
  - (6) Mixed Use Commercial and Residential Developments, subject to Section 634 of this Joint Zoning Ordinance.
  - (7) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
  - (8) Recreation Facilities and Uses designated as a commercial recreation indoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
  - (9) Restaurant, Café or Tavern, subject to Section 648 of this Joint Zoning Ordinance.

(10) Retail Business Use containing less than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.

(E) **Uses by Special Exception:** The following principal and accessory uses shall be permitted by special exception within the Carsonia Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:

- (1) Bed and Breakfast Establishment, subject to Section 607 of this Joint Zoning Ordinance.
- (2) Funeral Home, subject to Section 617 of this Joint Zoning Ordinance.
- (3) Garage Parking Facility, subject to Section 618 of this Joint Zoning Ordinance.
- (4) Personal Service Facility, subject to Section 640 of this Joint Zoning Ordinance.
- (5) Printing and Publishing Facility, subject to the provisions of Section 642 of this Joint Zoning Ordinance.
- (6) Recreation Facilities and Uses as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
- (7) Recreation Facilities and Uses designated as a commercial recreation outdoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.

(F) **Uses by Conditional Use:** The following principal and accessory uses shall be permitted by conditional use within the Carsonia Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:

- (1) Adaptive Reuse and Redevelopment, subject to Section 602 of this Joint Zoning Ordinance.
- (2) Business, Professional or Governmental Office containing more than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
- (3) Club, Lodge or Social Quarters, subject to Section 610 of this Joint Zoning Ordinance.
- (4) Hospital and Medical Centers, subject to Section 625 of this Joint Zoning Ordinance.
- (5) Hotels and Motels, subject to Section 626 of this Joint Zoning Ordinance.
- (6) Retail Business Use containing more than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.

(G) **Dimensional Requirements:** The following minimum and maximum dimensional requirements shall be applied to all lots, which are intended to be designed and occupied by permitted uses of the Carsonia Avenue Overlay District:

- (1) The following minimum lot area requirements shall apply to the permitted uses within the Carsonia Avenue Overlay District:
  - (a) A minimum lot area of 10,000 square feet shall be required for all uses permitted by right within the Carsonia Avenue Overlay District provided that the use and development complies with the provisions specified for the Carsonia Avenue Overlay District.
  - (b) A minimum of 20,000 square feet shall be required for all uses permitted by special exception and conditional use within the Carsonia Avenue Overlay District provided that the use and development complies with the provisions specified for the Carsonia Avenue Overlay District.

(c) A reduced lot size may be permitted by the municipality with jurisdiction, provided that the lot area complies with the minimum and maximum dimensional requirements for the use, as specified by the underlying zoning district.

(d) All accessory uses shall be located on a conforming lot.

(2) The minimum lot width shall be eighty (80) feet per lot.

(3) The front yard setback shall be at least twenty (20) feet, as measured from the legal right-of-way line.

(4) The side yard setback shall be ten (10) feet for a lot adjacent to a non-residential use.

(5) The side yard setback shall be twenty (20) feet for a lot adjacent to a residential use.

(6) The rear yard setback shall be twenty (20) feet.

(7) The maximum height of the buildings shall be thirty-five (35) feet.

(8) Taller buildings or structures are permitted, provided that an additional setback of two (2) feet is provided for every one (1) foot of height in excess of thirty-five (35) feet up to a maximum height of fifty (50) feet. All such buildings or structures shall only be permitted by conditional use.

(9) The maximum building coverage shall be fifty (50) percent of the lot area.

(10) The maximum lot coverage shall be seventy (70) percent of the lot area.

(H) **Land Use and Development Requirements:** The permitted uses within the Carsonia Avenue Overlay District shall comply with the following land use and development criteria:

(1) All subdivision and land development activity shall consider the goals, objectives, and policies established within the Joint Comprehensive Plan for Lower Alsace and Mount Penn Borough.

(2) All permitted uses shall be served by public sanitary sewer disposal facilities.

(3) All permitted uses shall be served by public water supply facilities.

(4) Applications involving a minor subdivision or minor land development shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified under Sections 502.H through 502.O of this Joint Zoning Ordinance.

(5) Applications involving a major subdivision or major land development shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified under Section 502.H through 502.O of this Joint Zoning Ordinance.

(6) The governing body of the municipality with jurisdiction shall determine how the application requirements referenced in Section 502.H.4 and 502.H.5 shall be applied after a recommendation is provided by the Planning Commission, Engineer and Zoning Officer.

(7) The provisions for optional design and site development alternatives are specified under Section 502.P of this Joint Zoning Ordinance.

(8) All subdivision and land development activity should be designed to integrate with existing amenities within the Carsonia Avenue Overlay District to the maximum extent possible, so that the architectural characteristics, streetscape design and landscape features are designed and improved as a unified development.

(I) **Architectural Design Criteria:**

- (1) Buildings and structures shall be designed to enhance the existing architectural and streetscape characteristics in accordance with the design requirements specified under Section 502 of this Joint Zoning Ordinance.
- (2) The front facade of the building shall be orientated towards the street with the highest functional classification in terms of vehicular and pedestrian traffic volumes.
- (3) All sides of a building shall be architecturally consistent with the front facade and facades visible from the street line. Modifications may be considered to the facade in order to accommodate the design requirements of the Carsonia Avenue Overlay District.
- (4) Buildings, structures, landscaping and streetscape improvements shall be designed in an effort to and integrate, reflect and/or enhance the visual appearance of the Carsonia Avenue Overlay District. The applicant shall attempt to integrate a building design concept that is general consistent with the architectural characteristics of the Carsonia Avenue Overlay District.
- (5) Buildings, structures and site improvements shall be located in a manner to mitigate visual, noise and traffic impacts with existing residential uses that are within residential zoning districts.
- (6) The shape of an opening, its proportion relative to the size of the building, how it functions, how it is divided, and the rhythm of openings within a structure must be specific to the building style and consistent with the design theme and architectural style.
- (7) Architectural relief and features shall be incorporated into the building design in accordance with the provisions specified by Section 705 of the Joint Zoning Ordinance.
- (8) The color, brightness and appearance of the exterior walls of the principal buildings and accessory structures shall be compatible with the design theme and architectural style. The selected color shall have a low reflectance level and the trim colors shall complement the color of the exterior walls.
- (9) Alternative building setback and orientation requirements may be considered, provided that the applicant can demonstrate the following: that the design of the building meets the objectives of the Carsonia Avenue Overlay District; that any reduction of the building setback requirements has been approved by the adjoining landowners; and that the design shall not disrupt any common facilities or utilities.
- (10) When buildings are to be located on a corner of intersecting streets, the entrance of the building shall be located on the corner with an enhance element or feature, which is consistent with the design theme and architectural style.
- (11) All proposed buildings shall be a minimum of two (2) stories in height on corner lots to anchor the corner and help to define the streetscape.
- (12) The street-side facade of buildings shall be designed with decorative windows, which is consistent with the design theme and architectural style.
- (13) No more than four (4) adjoining buildings shall have the same building height so as to create visual interest. Building heights shall vary by at least four (4) feet to provide visual interest. Where necessary, the maximum building height may be increased by five (5) feet over the specified height requirement in order to achieve this architectural design requirement.
- (14) Rooflines shall not appear flat when viewed from public streets. All roof-mounted equipment including HVAC, electrical, venting or other mechanical equipment shall be contained or concealed as part of the architectural design.

(J) **Street and Streetscape Design:**

- (1) The existing streetscape network within the Carsonia Avenue Overlay District shall be considered a vital design feature to successfully implementing land use compatibility. Unless otherwise permitted by the municipality with jurisdiction, all points of vehicular ingress and egress for a permitted use shall be located along Carsonia Avenue.
- (2) All proposed streets and access lanes shall comply with the provisions specified by the Subdivision and Land Development Ordinance.
- (3) Special attention to the gateways and main entrance(s) along Carsonia Avenue shall be provided. The use of streetscape improvements, low-impact lighting, banners, welcome signs, water features and/or landscaping enhancements shall be provided and considered as a prominent feature for all uses and developments within the Carsonia Avenue Overlay District.
- (4) Provisions for street furniture, including public benches, tables, clocks and waste receptacles shall be considered as part of the land development plan. All such street furniture shall be privately owned and maintained. The type and location of the proposed street furniture shall be subject to the approval of the municipality with jurisdiction.
- (5) Provisions for public transportation facilities, including bus stops, bus shelters, taxi stands, park and ride facilities, and other similar features shall be considered as part of the land development plan. The location of any public transportation facilities shall be subject to the approval of the municipality with jurisdiction.
- (6) Unless otherwise directed by the utility company providing service, all proposed utilities shall be installed underground and within a utility easement or right-of-way.

(K) **Pedestrian and Vehicular Circulation:**

- (1) All transportation and pedestrian improvements shall be designed considering all transportation studies and/or streetscape improvement plans.
- (2) New curb cuts shall be minimized in order to reduce traffic conflicts and vehicular congestion. Where appropriate, shared or common access drives shall be utilized to minimize curb cuts. Shared or common access drives shall be designed to have a definitive point of ingress and egress with sufficient area to accommodate the permitted turning movements.
- (3) Traffic calming measures, including speed control, volume control, road alignments and traffic management techniques shall be considered as part of the land development plan application in order to improve safety, pedestrian accessibility and vehicular mobility. The traffic calming measures shall be designed in accordance with the design criteria established by Lower Alsace Township, Mount Penn Borough and/or the Pennsylvania Department of Transportation Traffic Calming Handbook.
- (4) All permitted uses shall be designed to encourage and accommodate transportation and pedestrian traffic as well as to provide for safe and convenient modes for pedestrian movements to destination points within the Carsonia Avenue Overlay District.

(L) **Off-Street Parking and Loading:**

- (1) The total number of off-street parking and loading spaces for each use shall comply with the minimum requirements specified under this Joint Zoning Ordinance, but shall not exceed one hundred-ten (110) percent of the minimum requirements.
- (2) The areas designated for off-street parking and loading shall not be a dominant design feature of the building or streetscape. The proposed off-street parking spaces and loading spaces for all uses shall be located at least twenty (20) feet from the street right-of-way line and along the sides or rear of the principal building. Whenever the proposed off-street parking spaces and loading spaces interfere with the location of the required sidewalk system, such off-street parking and loading spaces shall be relocated.

- (3) The total number of off-street parking and loading spaces for each use may be reduced by up to thirty (30) percent of the minimum requirements specified under this Joint Zoning Ordinance, provided that the applicant demonstrates that common or shared off-street parking and loading spaces shall be capable of accommodating the peak demands for employees and patrons. The applicant shall provide documentation to support that the use can function with the reduced number of off-street parking and loading spaces.
- (4) The total number of off-street parking and loading spaces for each use may be reduced by an additional twenty (20) percent of the minimum requirements specified under this Joint Zoning Ordinance, provided that the applicant demonstrates that the employees and/or patrons will utilize public transportation services or other modes of transportation, which are not related to the use of automobiles. In all such cases, the applicant shall provide documentation to support that the use can function with the reduced off-street parking and loading space.
- (5) Off-premises parking at other facilities within one thousand (1,000) feet of the principal use may be permitted in order to satisfy the requirements for off-street parking spaces, provided that the applicant secures an agreement with the owner of the property, which will accommodate the additional demands for off-street parking. All proposed off-premises parking areas shall consider safety, accessibility and convenience for the pedestrians traveling between the points of destination within the Carsonia Avenue Overlay District.
- (6) The provisions involving the reduction of off-street parking and loading facilities, as specified under this section shall be considered by the municipality with jurisdiction as part of the land development plan application. The applicant shall demonstrate that the proposed use and site conditions shall satisfy the peak demands for the employees and patrons. The maximum reduction of off-street parking and loading spaces shall not exceed fifty (50) percent of the requirements specified by this Joint Zoning Ordinance.
- (7) In lieu of the off-street parking requirements, the governing body with jurisdiction may consider on-street parking. All available on-street parking spaces shall be located within five hundred (500) feet of the principal use. All on-street parking areas shall consider safety, accessibility and convenience for the pedestrians traveling between the points of destination within the Carsonia Avenue Overlay District.
- (8) Handicap or disability spaces shall be designed and constructed in accordance with all federal, state and local codes.
- (9) Porous paving shall be considered for the proposed off-street parking and loading spaces provided that: the design and paving composition complies with the provisions for stormwater management; that the soils and geological features have suitable characteristics for infiltration; that a maintenance program has been established with sufficient funds held in an escrow account; and that the structural integrity has not been compromised.
- (10) The use of curbing, bollards, segmental concrete wall blocks, landscaping blocks, concrete retaining walls and other durable materials shall be considered along the perimeter of the off-street parking and loading areas to protect trees, open space, surface water or other natural areas. Protective measures and/or a defined separation barrier shall be considered for pedestrian movements along sidewalks.
- (11) Bicycle racks and stands shall be located in a designated area along the sides or rear of the principal building and shall not interfere with pedestrian or vehicular movements.

**(M) Curbs, Sidewalks and Crosswalks:**

- (1) Curbs and sidewalks shall be designed and installed as an integrated network along public and private roads within the Carsonia Avenue Overlay District in order to accommodate pedestrian movements.
- (2) Decorative brick, concrete pavers or pavement treatments shall be considered as an integrated feature to the main entrance of the building, pedestrian access areas and public roads.

- (3) Protective measures and/or defined separation barriers shall be considered for pedestrian movements along sidewalks.
- (4) Raised crosswalks shall be provided to link the sidewalk system and to accommodate pedestrian movements. Decorative pavement treatments shall be considered to implement the community vision of the Carsonia Avenue Overlay District.
- (5) Curbs, sidewalks, handicapped ramps and crosswalks shall be designed and constructed in accordance with the Americans with Disabilities Act as well as other state and federal specifications.
- (6) All proposed sidewalks, curbs and crosswalks shall be designed and constructed in accordance with the provisions and specifications established by the Lower Alsace Township and/or Mount Penn Borough.

(N) **Landscaping and Exterior Lighting:**

- (1) Street trees, streetlights and other aesthetic landscaping improvements shall be incorporated into the streetscape design of the Carsonia Avenue Overlay District.
- (2) Unless otherwise directed by the municipality with jurisdiction, all proposed street trees shall not be located within the legal right-of-way or within the clear sight triangle involving a street intersection or access drive.
- (3) All developments shall include street trees, buffer yards and landscaping features that shall be integrated as part of overall site improvements in order to mitigate noise, light, odor and the visual appearance of paved surfaces. The use of existing mature trees (6 inches in caliper, as measured at breast height), berms, segmental concrete wall blocks, landscaping blocks, retaining walls and other durable materials may be considered and utilized as part of the landscaping improvements. The design of the landscaping improvements shall be subject to the approval of the municipality with jurisdiction.
- (4) Decorative streetlights shall be considered and strategically located at consistent intervals within the Carsonia Avenue Overlay District. All decorative streetlights and other sources of illumination shall be designed with a diffused light source in order to prevent glare or excess lighting produced within a visual field that is significantly greater than the light to which the human eye can readily adapt to without causing annoyance, discomfort or loss of visibility for any period of time.
- (5) No bare or direct light source shall be visible beyond the lot lines. The illumination from any light source originating on the site shall not exceed 0.5 foot candles at the lot line. Overhead light pollution or spillage caused by unshielded light sources shall not be permitted.
- (6) All streetlights and other sources of exterior illumination shall be designed as a full cutoff fixture, whereas, the light distribution pattern from the source results in no illumination projected at or above the horizontal plane at the bottom the light source or fixture.
- (7) Exterior or interior lighting shall not be utilized as a promotional devise to attract patrons or to serve as additional signage.
- (8) All off-street parking and loading areas shall be adequately illuminated with a lighting system designed to compliment the architecture of the buildings and streetscape characteristics.
- (9) Lighting fixtures attached to a free-standing pole or mounted to a building shall not exceed a height of twenty (20) feet, as measured from the average ground elevation within thirty (30) feet of the lighting fixture.
- (10) The required streetlights shall comply with the minimum requirements specified by Lower Alsace Township and/or Mount Penn Borough. As part of the subdivision or land development plan application, the size, type, spacing and location of the street lights shall be considered by the municipality with jurisdiction.



(O) **Signs:**

- (1) All proposed signs shall comply with the provisions of the Joint Zoning Ordinance. The total number and size of all signs shall be limited to avoid clutter and to serve the basic needs of the permitted use.
- (2) Off-site advertising signs and/or billboards shall be prohibited within the Carsonia Avenue Overlay District.
- (3) All permitted signs shall be professionally made and constructed out of durable material such as wood, metal or stone, which shall be considered as an enhanced feature of the use. The design, material, color, size, location and illumination of the sign shall be selected considering the architecture of the buildings and streetscape characteristics.
- (4) Buildings occupying two (2) or more uses or tenants shall utilize a single sign or compatible signs in terms of design, material, color, height, location and illumination.

(P) **Optional Design and Site Development Improvements:**

- (1) The design requirements and site development improvements specified for the Carsonia Avenue Overlay District are intended to provide general direction to all applicants seeking to subdivide, improve, develop and/or redevelop land within the Carsonia Avenue Overlay District.
- (2) The municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (3) As part of the application for each phase or stage of subdivision plan or land development plan, a detailed design plan shall be submitted by the applicant to illustrate the design of the streets, streetscape features, architecture, pedestrian and vehicular circulation, off-street parking and loading areas, landscaping and lighting, signs and other design considerations.
- (4) A declaration shall be submitted to the municipality with jurisdiction at the time of final plan submission, which shall be in a form deemed satisfactory to the solicitor appointed by municipality with jurisdiction. The declaration shall be subject to the approval of the municipality with jurisdiction.

(Q) **Phasing Plan:**

- (1) A plan shall be submitted to the municipality with jurisdiction depicting the proposed phasing plan of the total subdivision and/or land development plan over time.
- (2) Where a development within the Carsonia Avenue Overlay District is to be constructed in phases, the preliminary subdivision and/or land development plan shall include the entire area to be developed in all phases. In such case, the applicant shall provide a construction schedule for each phase. This schedule shall indicate the timing and sequence of construction for all infrastructure to be provided by the applicant, including but not necessarily limited to site improvements, traffic, sanitary sewage, water supply, vehicular circulation, stormwater management, landscaping, lighting, pedestrian accommodations, parking, loading, and any other on-site or off-site improvements that are required as a condition of approval. The proposed phasing plan and schedule shall be subject to the review and approval of the municipality with jurisdiction.
- (3) As part of the municipal approval process, the municipality with jurisdiction may consider a time extension agreement to secure the vested rights of the proposed subdivision and/or land development plan over period a period of ten (10) years in order to allow for the full build-out of the development in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The time extension agreement shall be subject to the review and approval of the municipality with jurisdiction.

### **Section 503: Floodplain Overlay District**

- (A) The Floodplain Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and/or Mount Penn Borough. The purpose and objective of the Floodplain Overlay District is outlined as follows:
- (1) To promote the general health, welfare and/or safety of Lower Alsace Township, Mount Penn Borough and the communities that are located downstream of flood prone areas.
  - (2) To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
  - (3) To minimize danger to public health by protecting water supply and natural drainage.
  - (4) To reduce the financial burdens that may be imposed upon the community, municipality and other governmental agencies, by preventing excessive earth disturbance and land development activities within areas subject to flooding.
  - (5) To require all those uses, activities and development that do occur in flood-prone areas to be protected and or flood-proofed against flooding and flood damage.
  - (6) To comply with federal and state floodplain management requirements.
  - (7) To implement the recommendations concerning natural features, conservation management and land use, as endorsed by the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The Floodplain Overlay District shall include the land or water areas, which are inundated or contained within such flood-prone features including: the floodway; the floodway fringe; the 100-year floodplain; the special floodplain area and the general floodplain area. These flood-prone features are further defined by the Federal Emergency Management Agency and are regulated by the Lower Alsace Township Floodplain Ordinance and the Mount Penn Borough Floodplain Ordinance, as adopted, revised and/or amended by the Lower Alsace Township Board of Supervisors and Mount Penn Borough Council.
- (C) Pursuant to the provisions of Lower Alsace Township, Mount Penn Borough and the Federal Emergency Management Agency, the Lower Alsace Township Floodplain Ordinance and/or Mount Penn Borough Floodplain Ordinance may be updated, revised and amended from time to time.
- (D) The limits of the Floodplain Overlay District are identified in the most recent Flood Insurance Rate Study and Flood Insurance Rate Maps, as prepared and issued by the Federal Emergency Management Agency.
- (E) All uses, site improvements and development requirements shall conform to the provisions specified within the Lower Alsace Township Floodplain Ordinance and/or Mount Penn Borough Floodplain Ordinance. In addition to these provisions, the following requirements shall apply:
- (1) No subdivision or land development plan activities shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
  - (2) No new construction or land development activities shall be located within fifty (50) feet landward or upland from the top-of-bank of any perennial stream, unless otherwise approved by the municipality with jurisdiction and provided that all required permits have been issued by the appropriate state and federal agencies with jurisdiction.
  - (3) The lowest habitable space of any new structure must be positioned a minimum of two (2) feet above the one hundred (100) year base flood elevation.

- (4) On properties existing as of the adoption of this Joint Zoning Ordinance, which includes fifty (50) percent or less of the total tract area within the Floodplain Overlay District, no new principal or accessory buildings may be erected within the Flood Overlay District.
  - (5) Newly established units shall be accessible via individual driveways which are constructed not lower than one (1) foot below the one hundred (100) year base flood elevation.
  - (6) Newly established units shall be accessible via new public or private streets constructed not lower than the one hundred (100) year base flood elevation or via existing public streets.
  - (7) All proposed site improvements and construction activities within the Floodplain Overlay District shall adhere to the policies, recommendations and requirements of the Schuylkill River Watershed Act 167 Stormwater Management Plan and the Lower Alsace Township and/or Mount Penn Borough Stormwater Management Ordinance.
- (F) All other application procedures, administrative controls, technical provisions, permitted land uses, activities requiring special exceptions, existing or non-conforming provisions, variance procedures, and technical definitions involving the Floodplain Overlay District are specified within the Lower Alsace Township Floodplain Ordinance and/or the Mount Penn Borough Floodplain Ordinance.

**Section 504: Historic Preservation Overlay District**

- (A) **Purpose:** The Historic Overlay District shall be an overlay to the underlying zoning districts of Lower Alsace Township and Mount Penn Borough. The purpose of the Historic Overlay District is outlined as follows:
- (1) To provide the means that Lower Alsace Township and Mount Penn Borough can protect and preserve historic sites and structures.
  - (2) To initiate a process of public and technical review prior to the demolition or relocation of historic structures.
  - (3) To provide alternatives generally unavailable to uses other than historic sites as a means of encouraging their preservation and use.
  - (4) To implement the goals, objectives and recommendations of the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) **Application and Defined Terms:**
- (1) The provisions of the Historic Overlay District are intended to establish an overlay zone which is applicable to historical resources, buildings, structures and sites that are located within all zoning districts established by this Joint Zoning Ordinance. To the extent that the provisions of this section are more specific and shall supersede conflicting provisions within other provisions of this Joint Zoning Ordinance and all other ordinances of Lower Alsace Township and/or Mount Penn Borough. However, all other provisions of this Joint Zoning Ordinance and all other ordinances of Lower Alsace Township and/or Mount Penn Borough shall remain in full force.
  - (2) The provisions for the Historic Overlay District contain technical and reference terms that are further defined under Article 2 of this Joint Zoning Ordinance.
  - (3) The Historic Overlay District imposes a municipal review procedure for the proposed demolition or relocation of historic structures, subject to the provisions specified by this Joint Zoning Ordinance.
  - (4) The Historic Overlay District imposes a zoning permit or conditional use review procedure for the use, development and site improvements of historic sites, subject to conditional use approval in accordance with the provisions specified by this Joint Zoning Ordinance.

(C) **Historic Resources, Sites, Buildings and Structures:** For the purposes of this Joint Zoning Ordinance, the following terms are hereby described and defined:

- (1) The terms “historic resource”, “historic site”, historic building” and/or “historic structure” shall include a place, building, structure or site, whereas because of its’ local, state or national significance is considered as a part of the historic character of the community.
- (2) The terms “historic resource”, “historic site”, “historic building” or "historic structure" shall include the following:
  - (a) Listed individually in the National Register of Historic Places or preliminarily determined by the United States Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the United States Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c) Individually listed with the Pennsylvania Historical and Museum Commission's Inventory of Historic Places;
  - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Pennsylvania Historical and Museum Commission;
  - (e) As identified within the Joint Comprehensive Plan; and/or
  - (f) As referenced within a planning document, manual, or publication that has been adopted by Lower Alsace Township and/or Mount Penn Borough.
- (3) The terms utilized and contained as part of the Historic Overlay District shall be subject to the interpretation of the Zoning Officer with municipal jurisdiction.

(D) **Demolition or Relocation of an Historic Structure:**

- (1) No historic structure shall be demolished or relocated until the applicant has obtained a zoning permit has been issued for such demolition or relocation.
- (2) Prior to the issuance of a zoning permit to demolish or relocate an historic structure, the applicant shall be required to meet with the local, state and/or federal agencies to gain their ideas about potential historic preservation options for the building or structure. No zoning permit for the demolition or relocation of an historic structure shall be issued unless the applicant meets with the Planning Commission with municipal jurisdiction and a historic preservation agency specified by the municipality with jurisdiction. If available, the applicant shall be required to produce the available following materials:
  - (a) Historic deeds, surveys and site plans of the subject property;
  - (b) Current and historic photos of the property; and
  - (c) A description of the specific reasons why the historic structure cannot accommodate a permitted use and the demolition or removal is warranted.
- (3) The applicant shall notify the municipality with jurisdiction of the time and place of the meeting with the designated historic preservation agency. Following such meeting, the applicant shall provide the municipality with jurisdiction with a letter of its findings, conclusions and recommendations of the designated historic preservation agency.

- (4) As part of the zoning permit application, the applicant shall be required to submit all documentation to the municipality with jurisdiction for review and consideration. If the zoning permit is approved by the municipality with jurisdiction, the applicant may apply for other permits that may be required for the demolition of the building or structure. The municipality with jurisdiction shall have sixty (60) days to issue or deny a zoning permit application for the demolition or relocation of an historic structure.

(E) **Permitted Uses of an Historic Site:**

- (1) Notwithstanding the uses permitted by right, special exception and/or conditional use within each respective underlying zoning district listed within this Joint Zoning Ordinance, an historic site may be adapted for any use listed under Section 504.E.3 of this Joint Zoning Ordinance. Such adaptive reuse shall be permitted by conditional use, subject to the provisions specified by this Joint Zoning Ordinance.
- (2) Approval of the adaptive use of an historic site is hereby conditioned upon the ongoing status of the use as an "historic site" as defined herein. If upon the receiving a recommendation for the Planning Commission and/or other agency designated by the municipality with jurisdiction, that the subject property no longer qualifies for designation as an "historic site", the permitted use of the historic structure will not be allowed.
- (a) The proposed use will enable the preservation, restoration or rehabilitation of the historic site. The applicant is required to submit expert evidence that any alterations, improvements, extensions, additions or other modifications to the historic site will be accomplished in a manner that does not jeopardize the historic status of the site and/or its structures.
- (b) Any use permitted under Section 504.E.3 of this Joint Zoning Ordinance shall comply with the area, bulk and dimensional requirements of the most compatible underlying zoning district in which the use is permitted as a matter of right.
- (3) The following uses of a historical site shall be permitted by conditional use, subject to the specific criteria specified under Sections 502 and 1108 of this Joint Zoning Ordinance and any other regulations listed with the following respective uses:
- (a) Adaptive Reuse and Redevelopment, subject to Section 602 of this Joint Zoning Ordinance.
- (b) Bed and Breakfast Establishment, subject to Section 607 of this Joint Zoning Ordinance.
- (c) Business, Professional or Governmental Office, subject to Section 608 of this Joint Zoning Ordinance.
- (d) Commercial Day Care Facility, subject to Section 613.2 of this Joint Zoning Ordinance.
- (e) Library, subject to Section 630 of this Joint Zoning Ordinance.
- (f) Medical, Dental Vision, Counseling and Health Care Services, subject to Section 633 of this Joint Zoning Ordinance.
- (g) Mixed-Use Commercial and Residential Uses, subject to Section 634 of this Joint Zoning Ordinance.
- (h) Museum, subject to Section 637 of this Joint Zoning Ordinance.
- (i) Personal Service Facility, subject to Section 640 of this Joint Zoning Ordinance.
- (j) Places of Worship, subject to Section 641 of this Joint Zoning Ordinance.
- (k) Restaurants, Cafes and Taverns, subject to Section 648 of this Joint Zoning Ordinance.
- (l) Retail Business Use, subject to Section 649 of this Joint Zoning Ordinance.

- (m) Other uses that are compatible with the surrounding area, to enable the preservation, restoration or rehabilitation of that property, as determined acceptable by the municipality with jurisdiction as part of the conditional use application. Or zoning permit application.
  - (n) Accessory uses, buildings and structures that are customarily incidental to the above principal uses subject to the applicable regulations listed with each respective principal use. Accessory buildings and structures uses shall not require conditional use approval, but shall be subject to the requirements of a zoning permit.
- (4) As part of the conditional use application, the applicant shall provide evidence that the adaptive use, reuse or redevelopment efforts will not be detrimental to the historic value of the property.
  - (5) If the conditional use application is approved, a land development plan may be required by the municipality with jurisdiction.

**Section 505: Perkiomen Avenue Overlay District**

- (A) **Purpose:** The Perkiomen Avenue Overlay District shall be a special overlay to the underlying zoning districts within Mount Penn Borough. The purpose of the Perkiomen Avenue Overlay District are outlined as follows:
  - (1) To improve the aesthetics, architectural appearance, commercial centers, and streetscape design within a defined corridor of Mount Penn Borough.
  - (2) To require uniform streetscape improvements and site enhancement measures such as street trees, streetlights, curbing, sidewalks, pedestrian crosswalks, architecture, controlled signage, traffic calming measures and gateway planning, which reflect the overall community vision.
  - (3) To improve the modes of transportation by enabling automobile, pedestrian and bicycle traffic to coexist in a planned and harmonious community.
  - (4) To retain and expand existing businesses to preserve a sound tax base and provide employment opportunities.
  - (5) To encourage adaptive reuse and redevelopment opportunities.
  - (6) To provide incentive-minded parameters to attract or expand desirable uses.
  - (7) To implement the recommendations for land use planning, economic development and transportation, which are contained within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough
- (B) **Proximity:** The Perkiomen Avenue Overlay District has been depicted on an insert map, which has been included within Appendix D of this Joint Zoning Ordinance.
- (C) **Application:** Subdivision and land development activity within the Perkiomen Avenue Overlay District shall be designed in accordance with the following application requirements:
  - (1) Applications involving a minor subdivision or minor land development may utilize the lot area and dimensional requirements specified by the underlying zoning district, provided that compliance can not be achieved with the provisions of the Perkiomen Avenue Overlay District. Where feasible, all such applications shall be designed in accordance the land use, planning, engineering, architectural and development provisions that are specified for the Perkiomen Avenue Overlay District.
  - (2) Applications involving a major subdivision or major land development shall utilize the lot area and dimensional requirements that are specified for the Perkiomen Avenue Overlay District. All such applications shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified for the Perkiomen Avenue Overlay District.

(3) Mount Penn Borough may permit the land uses that are permitted within the underlying zoning district as a conventional development. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district and the Perkiomen Avenue Overlay District. Should a conflict exist, the provisions of the underlying zoning district shall apply.

(D) **Uses by Right:** The following principal and accessory uses shall be permitted by right within the Perkiomen Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:

(1) Principal and accessory uses permitted by right within the underlying zoning district shall be permitted by right within the Perkiomen Avenue Overlay District. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district

(2) Banks and Financial Institutions, subject to Section 606 of this Joint Zoning Ordinance.

(3) Business, Professional or Governmental Office containing less than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.

(4) Library, subject to Section 630 of this Joint Zoning Ordinance.

(5) Medical, Dental, Vision, Counseling and Health Care Providers, subject to Section 633 of this Joint Zoning Ordinance.

(6) Mixed Use Commercial and Residential Developments, subject to Section 634 of this Joint Zoning Ordinance.

(7) Museum, subject to Section 637 of this Joint Zoning Ordinance.

(8) Recreation Facilities and Uses as an accessory indoor use, subject to Section 644 of this Joint Zoning Ordinance.

(9) Recreation Facilities and Uses designated as a commercial recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.

(10) Restaurant, Café or Tavern, subject to Section 648 of this Joint Zoning Ordinance.

(11) Retail Business Use containing less than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.

(E) **Uses by Special Exception:** The following principal and accessory uses shall be permitted by special exception within the Perkiomen Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:

(1) Bed and Breakfast Establishment, subject to Section 607 of this Joint Zoning Ordinance.

(2) Funeral Home, subject to Section 617 of this Joint Zoning Ordinance.

(3) Garage Parking Facility, subject to Section 618 of this Joint Zoning Ordinance.

(4) Personal Service Facility, subject to Section 640 of this Joint Zoning Ordinance.

(5) Printing and Publishing Facility, subject to the provisions of Section 642 of this Joint Zoning Ordinance.

(6) Recreation Facilities and Uses as an accessory outdoor use, subject to Section 644 of this Joint Zoning Ordinance.

- (7) Recreation Facilities and Uses designated as a commercial recreation outdoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
  - (8) Theater, subject to Section 657 of this Zoning Ordinance.
- (F) **Uses by Conditional Use:** The following principal and accessory uses shall be permitted by conditional use within the Perkiomen Avenue Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:
- (1) Adaptive Reuse and Redevelopment, subject to Section 602 of this Joint Zoning Ordinance.
  - (2) Business, Professional or Governmental Office containing more than 10,000 square feet of gross floor area, subject to Section 608 of this Joint Zoning Ordinance.
  - (3) Club, Lodge or Social Quarters, subject to Section 610 of this Zoning Ordinance.
  - (4) Hospital and Medical Centers, subject to Section 625 of this Joint Zoning Ordinance.
  - (5) Hotels and Motels, subject to Section 626 of this Joint Zoning Ordinance.
  - (6) Retail Business Use containing more than 5,000 square feet of gross floor area, subject to Section 649 of this Joint Zoning Ordinance.
- (G) **Dimensional Requirements:** The following minimum and maximum dimensional requirements shall be applied to all lots, which are intended to be designed and occupied by permitted uses of the Perkiomen Avenue Overlay District:
- (1) The following minimum lot area requirements shall apply to the permitted uses within the Perkiomen Avenue Overlay District:
    - (a) A minimum lot area of 5,000 square feet shall be required for all uses permitted by right within the Perkiomen Avenue Overlay District provided that the use and development complies with the provisions specified for the Perkiomen Avenue Overlay District.
    - (b) A minimum of 10,000 square feet shall be required for all uses permitted by special exception and conditional use within the Perkiomen Avenue Overlay District provided that the use and development complies with the provisions specified for the Perkiomen Avenue Overlay District.
    - (c) A reduced lot size may be permitted by Mount Penn Borough, provided that the lot area complies with the minimum and maximum dimensional requirements for the use, as specified by the underlying zoning district.
    - (d) All accessory uses shall be located on a conforming lot.
  - (2) The minimum lot width shall be fifty (50) feet per lot.
  - (3) The front yard setback shall be at least ten (10) feet, as measured from the legal right-of-way line.
  - (4) The side yard setback requirements shall be as follows:
    - (a) The side yard setback shall be six (6) feet for a lot adjacent to a non-residential use without a common wall.
    - (b) There shall be no side yard setback requirement for non-residential uses that exist or proposed with common walls.
    - (c) The side yard setback shall be ten (10) feet for a lot adjacent to a residential use.



- (5) The rear yard setback shall be ten (10) feet.
- (6) The maximum height of the buildings shall be fifty (50) feet.
- (7) The maximum building coverage shall be sixty (60) percent of the lot area.
- (8) The maximum lot coverage shall be eight (80) percent of the lot area.

(H) **Land Use and Development Requirements:** The permitted uses within the Perkiomen Avenue Overlay District shall comply with the following land use and development criteria:

- (1) All subdivision and land development activity shall consider the goals, objectives, and policies established within the Joint Comprehensive Plan for Lower Alsace and Mount Penn Borough.
- (2) All permitted uses shall be served by public sanitary sewer disposal facilities.
- (3) All permitted uses shall be served by public water supply facilities.
- (4) Applications involving a minor subdivision or minor land development shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified under Sections 505.H through 505.O of this Joint Zoning Ordinance.
- (5) Applications involving a major subdivision or major land development shall be designed in accordance the land use, planning, engineering, architectural, streetscape and development provisions that are specified under Section 505.H through 505.O of this Joint Zoning Ordinance.
- (6) The governing body of the municipality with jurisdiction shall determine how the application requirements referenced in Section 505.H.4 and 505.H.5 shall be applied after a recommendation is provided by the Planning Commission, Engineer and Zoning Officer.
- (7) The provisions for optional design and site development alternatives are specified under Section 505.P of this Joint Zoning Ordinance.
- (8) All subdivision and land development activity should be designed to integrate with existing amenities within the Perkiomen Avenue Overlay District to the maximum extent possible, so that the architectural characteristics, streetscape and landscape features are designed and improved as a unified development.

(I) **Architectural Design Criteria:**

- (1) Buildings and structures shall be designed to enhance the existing architectural and streetscape characteristics in accordance with the design requirements specified under Section 505 of this Joint Zoning Ordinance.
- (2) The front facade of the building shall be orientated towards the street with the highest functional classification in terms of vehicular and pedestrian traffic volumes.
- (3) All sides of a building shall be architecturally consistent with the front facade and facades visible from the street line. Modifications may be considered to the facade in order to accommodate the design requirements of the Perkiomen Avenue Overlay District.
- (4) Buildings, structures, landscaping and streetscape improvements shall be designed in an effort to and integrate, reflect and/or enhance the visual appearance of the Perkiomen Avenue Overlay District. The applicant shall attempt to integrate a building design concept that is general consistent with the architectural characteristics of the Perkiomen Avenue Overlay District.
- (5) Buildings, structures and site improvements shall be located in a manner to mitigate visual, noise and traffic impacts with existing residential uses that are within residential zoning districts.

- (6) The shape of an opening, its proportion relative to the size of the building, how it functions, how it is divided, and the rhythm of openings within a structure must be specific to the building style and consistent with the design theme and architectural style.
- (7) Architectural relief and features shall be incorporated into the building design in accordance with the provisions specified by Section 705 of the Joint Zoning Ordinance.
- (8) The color, brightness and appearance of the exterior walls of the principal buildings and accessory structures shall be compatible with the design theme and architectural style. The selected color shall have a low reflectance level and the trim colors shall complement the color of the exterior walls.
- (9) Alternative building setback and orientation requirements may be considered, provided that the applicant can demonstrate the following: that the design of the building meets the objectives of the Perkiomen Avenue Overlay District; that any reduction of the building setback requirements has been approved by the adjoining land owners; and that the design shall not disrupt any common facilities or utilities.
- (10) When buildings are to be located on a corner of intersecting streets, the entrance of the building shall be located on the corner with an enhance element or feature, which is consistent with the design theme and architectural style.
- (11) All proposed buildings shall be a minimum of two (2) stories in height on corner lots to anchor the corner and help to define the streetscape.
- (12) The street-side facade of buildings shall be designed with decorative windows, which is consistent with the design theme and architectural style.
- (13) No more than four (4) adjoining buildings shall have the same building height so as to create visual interest. Building heights shall vary by at least four (4) feet to provide visual interest. Where necessary, the maximum building height may be increased by five (5) feet over the specified height requirement in order to achieve this architectural design requirement.
- (14) Rooflines shall not appear flat when viewed from public streets. All roof-mounted equipment including HVAC, electrical, venting or other mechanical equipment shall be contained or concealed as part of the architectural design.

(J) **Street and Streetscape Design:**

- (1) The existing streetscape network within the Perkiomen Avenue Overlay District shall be considered a vital design feature to successfully implementing land use compatibility. Unless otherwise permitted by the municipality with jurisdiction, all points of vehicular ingress and egress for a permitted use shall be located along Perkiomen Avenue.
- (2) All proposed streets and access lanes shall comply with the provisions specified by the Subdivision and Land Development Ordinance.
- (3) Special attention to the gateways and main entrance(s) along Perkiomen Avenue shall be provided. The use of streetscape improvements, low-impact lighting, banners, welcome signs, water features and/or landscaping enhancements shall be provided and considered as a prominent feature for all uses and developments within the Perkiomen Avenue Overlay District.
- (4) Provisions for street furniture, including public benches, tables, clocks and waste receptacles shall be considered as part of the land development plan. All such street furniture shall be privately owned and maintained. The type and location of the proposed street furniture shall be subject to the approval of the municipality with jurisdiction.

- (5) Provisions for public transportation facilities, including bus stops, bus shelters, taxi stands, park and ride facilities, and other similar features shall be considered as part of the land development plan. The location of any public transportation facilities shall be subject to the approval of the municipality with jurisdiction.
- (6) Unless otherwise directed by the utility company providing service, all proposed utilities shall be installed underground and within a utility easement or right-of-way.

(K) **Pedestrian and Vehicular Circulation:**

- (1) All transportation and pedestrian improvements shall be designed considering all transportation studies and/or streetscape improvement plans.
- (2) New curb cuts shall be minimized in order to reduce traffic conflicts and vehicular congestion. Where appropriate, shared or common access drives shall be utilized to minimize curb cuts. Shared or common access drives shall be designed to have a definitive point of ingress and egress with sufficient area to accommodate the permitted turning movements.
- (3) Traffic calming measures, including speed control, volume control, road alignments and traffic management techniques shall be considered as part of the land development plan application in order to improve safety, pedestrian accessibility and vehicular mobility. The traffic calming measures shall be designed in accordance with the design criteria established by Lower Alsace Township, Mount Penn Borough and/or the Pennsylvania Department of Transportation Traffic Calming Handbook.
- (4) All permitted uses shall be designed to encourage and accommodate transportation and pedestrian traffic as well as to provide for safe and convenient modes for pedestrian movements to destination points within the Perkiomen Avenue Overlay District.

(L) **Off-Street Parking and Loading:**

- (1) The total number of off-street parking and loading spaces for each use shall comply with the minimum requirements specified under this Joint Zoning Ordinance, but shall not exceed one hundred-ten (110) percent of the minimum requirements.
- (2) The areas designated for off-street parking and loading shall not be a dominant design feature of the building or streetscape. The proposed off-street parking spaces and loading spaces for all uses shall be located along the sides or rear of the principal building. The off-street parking spaces and loading spaces shall not interfere with vehicular and pedestrian movements.
- (3) The total number of required parking and loading spaces for each use may be reduced up to fifty (50) percent of the minimum requirements specified under this Joint Zoning Ordinance, provided that the applicant demonstrates that common or shared off-street parking and loading spaces shall be capable of accommodating the peak demands for employees and patrons. In all such cases, the applicant shall provide documentation to support that the use can function with the reduced number of parking and loading spaces.
- (4) The total number of required parking and loading spaces for each use may be reduced by an additional twenty (20) percent of the minimum requirements specified under this Joint Zoning Ordinance, provided that the applicant demonstrates that the employees and/or patrons will utilize public transportation services or other modes of transportation, which are not related to the use of automobiles. The applicant shall provide documentation to support that the use can function with the reduced off-street parking and loading space.
- (5) Off-premises parking at other facilities within one thousand (1,000) feet of the principal use may be permitted in order to satisfy the requirements for off-street parking spaces, provided that the applicant secures an agreement with the owner of the property, which will accommodate the additional demands for off-street parking. All proposed off-premises parking areas shall consider safety, accessibility and convenience for the pedestrians traveling between the points of destination within the Perkiomen Avenue Overlay District.

- (6) The provisions involving the reduction of off-street parking and loading facilities, as specified under this section shall be considered by the municipality with jurisdiction as part of the land development plan application. The applicant shall demonstrate that the proposed use and site conditions shall satisfy the peak demands for the employees and patrons. The maximum reduction of required parking and loading spaces shall not exceed seventy (70) percent of the requirements specified by this Joint Zoning Ordinance.
- (7) In lieu of the off-street parking requirements, the governing body with jurisdiction may consider on-street parking. All available on-street parking spaces shall be located within five hundred (500) feet of the principal use. All on-street parking areas shall consider safety, accessibility and convenience for the pedestrians traveling between the points of destination within the Perkiomen Avenue Overlay District.
- (8) Handicap or disability spaces shall be designed and constructed in accordance with all federal, state and local codes.
- (9) Porous paving shall be considered for the proposed off-street parking and loading spaces provided that: the design and paving composition complies with the provisions for stormwater management; that the soils and geological features have suitable characteristics for infiltration; that a maintenance program has been established with sufficient funds held in an escrow account; and that the structural integrity has not been compromised.
- (10) The use of curbing, bollards, segmental concrete wall blocks, landscaping blocks, concrete retaining walls and other durable materials shall be considered along the perimeter of the off-street parking and loading areas to protect trees, open space, surface water or other natural areas. Protective measures and/or a defined separation barrier shall be considered for pedestrian movements along sidewalks.
- (11) Bicycle racks and stands shall be located in a designated area along the sides or rear of the principal building and shall not interfere with pedestrian or vehicular movements.

**(M) Curbs, Sidewalks and Crosswalks:**

- (1) Curbs and sidewalks shall be designed and installed as an integrated network along public and private roads within the Perkiomen Avenue Overlay District in order to accommodate pedestrian movements.
- (2) Decorative brick, concrete pavers or pavement treatments shall be considered as an integrated feature to the main entrance of the building, pedestrian access areas and public roads.
- (3) Protective measures and/or defined separation barriers shall be considered for pedestrian movements along sidewalks.
- (4) Raised crosswalks shall be provided to link the sidewalk system and to accommodate pedestrian movements. Decorative pavement treatments shall be considered to implement the community vision of the Perkiomen Avenue Overlay District.
- (5) Curbs, sidewalks, handicapped ramps and crosswalks shall be designed and constructed in accordance with the Americans with Disabilities Act as well as other state and federal specifications.
- (6) All proposed sidewalks, curbs and crosswalks shall be designed and constructed in accordance with the provisions and specifications established by the Lower Alsace Township and/or Mount Penn Borough.

**(N) Landscaping and Exterior Lighting:**

- (1) Street trees, streetlights and other aesthetic landscaping improvements shall be incorporated into the streetscape design of the Perkiomen Avenue Overlay District.
- (2) Unless otherwise directed by the municipality with jurisdiction, all proposed street trees shall not be located within the legal right-of-way or within the clear sight triangle involving a street intersection or access drive.

- (3) All developments shall include street trees, buffer yards and landscaping features that shall be integrated as part of overall site improvements in order to mitigate noise, light, odor and the visual appearance of paved surfaces. The use of existing mature trees (6 inches in caliper, as measured at breast height), berms, segmental concrete wall blocks, landscaping blocks, retaining walls and other durable materials may be considered and utilized as part of the landscaping improvements. The design of the landscaping improvements shall be subject to the approval of the municipality with jurisdiction.
- (4) Decorative streetlights shall be considered and strategically located at consistent intervals within the Perkiomen Avenue Overlay District. All decorative streetlights and other sources of illumination shall be designed with a diffused light source in order to prevent glare or excess lighting produced within a visual field that is significantly greater than the light to which the human eye can readily adapt to without causing annoyance, discomfort or loss of visibility for any period of time.
- (5) No bare or direct light source shall be visible beyond the lot lines. The illumination from any light source originating on the site shall not exceed 0.5 foot candles at the lot line. Overhead light pollution or spillage caused by unshielded light sources shall not be permitted.
- (6) All streetlights and other sources of exterior illumination shall be designed as a full cutoff fixture, whereas, the light distribution pattern from the source results in no illumination projected at or above the horizontal plane at the bottom the light source or fixture.
- (7) Exterior or interior lighting shall not be utilized as a promotional devise to attract patrons or to serve as additional signage.
- (8) All off-street parking and loading areas shall be adequately illuminated with a lighting system designed to compliment the architecture of the buildings and streetscape characteristics.
- (9) Lighting fixtures attached to a free-standing pole or mounted to a building shall not exceed a height of twenty (20) feet, as measured from the average ground elevation within thirty (30) feet of the lighting fixture.
- (10) The required streetlights shall comply with the minimum requirements specified by Lower Alsace Township and/or Mount Penn Borough. As part of the subdivision or land development plan application, the size, type, spacing and location of the street lights shall be considered by the municipality with jurisdiction.

(O) **Signs:**

- (1) All proposed signs shall comply with the provisions of the Joint Zoning Ordinance. The total number and size of all signs shall be limited to avoid clutter and to serve the basic needs of the permitted use.
- (2) Off-site advertising signs and/or billboards shall be prohibited within the Perkiomen Avenue Overlay District.
- (3) All permitted signs shall be professionally made and constructed out of durable material such as wood, metal or stone. The design, material, color, size, location and illumination of the sign shall be selected considering the architecture of the buildings and streetscape characteristics.
- (4) Buildings occupying two (2) or more uses or tenants shall utilize a single sign or compatible signs in terms of design, material, color, height, location and illumination.

(P) **Optional Design and Site Development Improvements:**

- (1) The design requirements and site development improvements specified for the Perkiomen Avenue Overlay District are intended to provide general direction to all applicants seeking to subdivide, improve, develop and/or redevelop land within the Perkiomen Avenue Overlay District.
- (2) The municipality with jurisdiction may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

- (3) As part of the application for each phase or stage of subdivision plan or land development plan, a detailed design plan shall be submitted by the applicant to illustrate the design of the streets, streetscape features, architecture, pedestrian and vehicular circulation, off-street parking and loading areas, landscaping and lighting, signs and other design considerations.
- (4) A declaration shall be submitted to the municipality with jurisdiction at the time of final plan submission, which shall be in a form deemed satisfactory to the solicitor appointed by municipality with jurisdiction. The declaration shall be subject to the approval of the municipality with jurisdiction.

**(Q) Phasing Plan:**

- (1) A plan shall be submitted to the municipality with jurisdiction depicting the proposed phasing plan of the total subdivision and/or land development plan over time.
- (2) Where a development within the Perkiomen Avenue Overlay District is to be constructed in phases, the preliminary subdivision and/or land development plan shall include the entire area to be developed in all phases. In such case, the applicant shall provide a construction schedule for each phase. This schedule shall indicate the timing and sequence of construction for all infrastructure to be provided by the applicant, including but not necessarily limited to site improvements, traffic, sanitary sewage, water supply, vehicular circulation, stormwater management, landscaping, lighting, pedestrian accommodations, parking, loading, and any other on-site or off-site improvements that are required as a condition of approval. The proposed phasing plan and schedule shall be subject to the review and approval of the municipality with jurisdiction.
- (3) As part of the municipal approval process, the municipality with jurisdiction may consider a time extension agreement to secure the vested rights of the proposed subdivision and/or land development plan over period of ten (10) years in order to allow for the full build-out of the development in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The time extension agreement shall be subject to the review and approval of the municipality with jurisdiction.

**Section 506: Riparian Buffer Overlay District**

- (A) The Riparian Buffer Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and/or Mount Penn Borough. The purpose and objective of the Riparian Buffer Overlay District is outlined as follows:
  - (1) To sustain a high quality natural resource system and to protect the water quality and the natural diversity of ecosystems.
  - (2) To provide biodiversity corridors enabling wildlife to inhabit, prosper, migrate, breed and feed within close proximity to surface water features.
  - (3) To develop a protective zone to serve as a natural filter in the removal of pollutants such as bacteria, nutrients and sediment from surface water.
  - (4) To implement an effective hydrological and stormwater management program that adequately addresses surface drainage, groundwater recharge and soil erosion control measures
  - (5) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The Riparian Buffer Overlay District shall apply to all perennial stream corridors within Lower Alsace Township and/or Mount Penn Borough. The following provisions shall apply:
  - (1) The limits of the Riparian Buffer Overlay District shall be recognized as a conservation overlay as part of the Joint Zoning Ordinance. The design standards and specifications for the Riparian Buffer Overlay District are specified within the Subdivision and Land Development Ordinance of the municipality with jurisdiction.

- (2) Properties located along or adjacent to a perennial stream corridor, which are not subject to subdivision and land development activity shall be subject to an education and volunteer effort, whereas, the landowner may implement the design standards contained within the Lower Alsace Township and/or Mount Penn Borough Subdivision and Land Development Ordinance. All such efforts may be coordinated with local, county, state or federal agencies, provided that such effort enhances, restores, stabilizes and/or maintains the integrity of native woodland and vegetation within the of the Riparian Buffer Overlay.
- (3) Properties located along or adjacent to a perennial stream corridor, which are subject to subdivision and land development activity shall be subject to a mandatory effort, whereas, the landowner or developer shall be required to implement the design standards specified under Sections 512, 513 and 514 of the Subdivision and Land Development Ordinance. All such efforts may be coordinated with local, county, state or federal agencies, provided that such effort enhances, restores, stabilizes and/or maintains the integrity of native woodland and vegetation within the of the Riparian Buffer Overlay.
- (4) All land uses and site improvements should be located, designed and conducted in a manner that meets the design standards specified under Sections 512, 513 and 514 of the Subdivision and Land Development Ordinance. Where appropriate, Lower Alsace Township and/or Mount Penn Borough may consider design waivers or modifications in accordance with the provisions of the Subdivision and Land Development Ordinance.
- (5) Volunteer and mandatory efforts should be coordinated with the Berks County Conservation District to determine if the selected landscape materials will implement the overall purpose and objective of the Riparian Buffer Overlay District.

#### **Section 507: Spook Lane Overlay District**

- (A) **Purpose:** The Spook Lane Overlay District shall be a special overlay to the underlying zoning districts within Lower Alsace Township and/or Mount Penn Borough. The purpose of the Spook Lane Overlay District are outlined as follows:
  - (1) To provide high-profile commercial and entertainment uses within a rural atmosphere.
  - (2) To retain and expand existing businesses to preserve a sound tax base and provide employment opportunities.
  - (3) To encourage adaptive reuse and redevelopment opportunities.
  - (4) To provide incentive-minded parameters to attract or expand desirable uses.
  - (5) To implement the recommendations for land use planning and economic development, which are contained within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough
- (B) **Proximity:** The Spook Lane Overlay District has been depicted on an insert map, which has been included within Appendix C of this Joint Zoning Ordinance.
- (C) **Application:** Subdivision and land development activity within the Spook Lane Overlay District shall be designed in accordance with the following application requirements:
  - (1) Applications involving a minor subdivision or minor land development may utilize the lot area and dimensional requirements specified by the underlying zoning district, provided that compliance can not be achieved with the provisions of the Spook Lane Overlay District. Where feasible, all such applications shall be designed in accordance the land use, planning, engineering, architectural and development provisions that are specified for the Spook Lane Overlay District.
  - (2) Applications involving a major subdivision or major land development shall utilize the lot area and dimensional requirements that are specified for the Spook Lane Overlay District. All such applications shall

be designed in accordance the land use, planning, engineering, architectural and development provisions that are specified for the Spook Lane Overlay District.

- (3) Lower Alsace Township may permit the land uses that are permitted within the underlying zoning district as a conventional development. All such permitted uses shall be planned, designed and constructed in accordance with the provisions of the underlying zoning district and the Spook Lane Overlay District. Should a conflict exist, the provisions of the underlying zoning district shall apply.
- (D) **Uses by Right:** The following principal and accessory uses shall be permitted by right within the Spook Lane Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:
- (1) Principal and accessory uses permitted by right within the underlying zoning district shall be permitted by right within the Spook Lane Overly District.
  - (2) Health Club and/or Fitness Center as an accessory use to a permitted principal use, subject to Section 621 of this Joint Zoning Ordinance.
  - (3) Recreation Facilities and Uses as an accessory recreation indoor use, subject to Section 644 of this Joint Zoning Ordinance.
  - (4) Recreation Facilities and Uses designated as a commercial recreation indoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
- (E) **Uses by Special Exception:** The following principal and accessory uses shall be permitted by special exception within the Spook Lane Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance:
- (1) Bed and Breakfast Establishment, subject to the provisions specified under Section 607 of this Joint Zoning Ordinance.
  - (2) Recreation Facilities and Uses as an accessory recreation outdoor use, subject to Section 644 of this Joint Zoning Ordinance.
  - (3) Recreation Facilities and Uses designated as a commercial recreation outdoor use, subject to the provisions of Section 644 of this Joint Zoning Ordinance.
- (F) **Uses by Conditional Use:** The following principal and accessory uses shall be permitted by conditional use within the Spook Lane Overlay District, regardless of any land use conflicts with the underlying zoning district, provided that: such use complies with the overlay provisions of this Joint Zoning Ordinance
- (1) Adaptive Reuse and Redevelopment, subject to Section 602 of this Joint Zoning Ordinance.
  - (2) Age-Qualified Retirement Community containing townhouse units as the principal use with accessory recreational and residential uses, subject to Section 603 of this Joint Zoning Ordinance.
  - (3) Club, Lodge or Social Quarters, subject to Section 610 of this Joint Zoning Ordinance.
  - (4) Hotels and Motels, subject to Section 626 of this Joint Zoning Ordinance.
  - (5) Restaurants, Clubs and Taverns, subject to the provisions specified under Section 648 of this Joint Zoning Ordinance.
- (G) **Dimensional Requirements:** The following minimum and maximum dimensional requirements shall be applied to all lots, which are intended to be designed and occupied by permitted uses of the Spook Lane Overlay District:



- (1) The following minimum lot area requirements shall apply to the permitted uses within the Spook Lane Overlay District:
    - (a) A minimum of ten (10) gross acres of contiguous land area shall be required for a hotel or motel use within the Spook Lane Overlay District.
    - (b) A minimum of five (5) gross acres of contiguous land area shall be required for all other permitted principal uses within the Spook Lane Overlay District.
    - (c) A combination of principal and/or accessory uses may be permitted on a conforming lot provided that the uses are planned, designed and constructed on a conforming lot that meets the purpose of the Spook Lane Overlay District.
    - (d) All permitted accessory uses shall be located on a conforming lot.
  - (2) The minimum lot width shall be two hundred (200) feet per lot, which may be established on a public or private road.
  - (3) The front yard setback shall be at least fifty (50) feet, as measured from the legal right-of-way line.
  - (4) The side yard setback shall be fifty (50) feet.
  - (5) The rear yard setback shall be fifty feet (50) feet.
  - (6) A one hundred (100) foot setback shall be established from an adjacent lot occupied by a residential use.
  - (7) The maximum height of the buildings shall be fifty (50) feet.
  - (8) Taller buildings or structures are permitted, provided that an additional setback of two (2) feet is provided for every one (1) foot of height in excess of fifty (50) feet up to a maximum height of sixty (60) feet. All such buildings or structures shall only be permitted by conditional use
  - (9) The maximum building coverage shall be thirty (30) percent of the lot area.
  - (10) The maximum lot coverage shall be fifty (50) percent of the lot area.
- (H) **Land Use and Development Requirements:** The permitted uses within the Spook Lane Overlay District shall comply with the following land use and development criteria:
- (1) All subdivision and land development activity shall consider the goals, objectives, and policies established within the Joint Comprehensive Plan for Lower Alsace and Mount Penn Borough.
  - (2) All permitted uses shall be serviced by public sanitary sewage disposal facilities, which shall be planned, designed and constructed in accordance with the most recent plans and ordinances adopted by the municipality or authority with jurisdiction. All sanitary sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
  - (3) The permitted uses shall be serviced by public water supply facilities, which shall be planned, designed and constructed in accordance with the plans and ordinances adopted by the municipality or authority with jurisdiction. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval by the agencies with jurisdiction.
  - (4) All subdivision and land development activity should be designed to integrate with existing amenities within the Spook Lane Overlay District to the maximum extent possible, so that the architectural characteristics, streetscape and landscape features are designed and improved as a high-quality development.

**Section 508: Steep Slope Overlay District**

- (A) The Steep Slope Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and Mount Penn Borough. The purpose and objective of the Steep Slope Overlay District is outlined as follows:
- (1) To protect certain land areas classified as “steep slopes” from inappropriate subdivision and land development activity, which could result in accelerated erosion, slope stability, increased volume and velocity of stormwater, and degradation of surface waters.
  - (2) To permit only those uses of steep slopes, which are compatible with the conservation of the natural conditions, habitats and environment by maintaining existing topographical conditions and minimizing earth disturbance activities.
  - (3) To encourage the utilization of appropriate construction and land development practices.
  - (4) To direct growth, development and revitalization efforts by considering environmentally sensitive land areas.
  - (5) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The Steep Slope Overlay District shall include the following three (3) slope categories:
- (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.
- (C) All uses permitted within the underlying zoning districts shall be permitted as part of the Steep Slope Overlay District, provided that the lot or parcel intended to facilitate the proposed use and related site improvements does not conflict with the provisions of the Steep Slope Overlay District.
- (D) The following subdivision and land development provisions shall apply to all lots or parcels, regardless of their size, whereas at least 10 percent of the lot or parcel includes Category 1 Slopes:
- (1) Where feasible, the principal building and use shall not be located on Category 1 Slopes. In situations where the entire lot consists of Category 1 Slopes or greater, the applicant shall develop a plan to mitigate excess grading and erosive conditions.
  - (2) The maximum building coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 20 percent from the conventional standard.
 

Example: If the maximum building coverage for a residential lot is 20 percent and the lot contains Category 1 Slopes as the highest delineated slope category, then the 20 percent reduction would limit the maximum building coverage to 16 percent for that residential lot.
  - (3) The maximum lot coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 20 percent from the conventional standard.

Example: If the maximum lot coverage for a residential lot is 30 percent and the lot contains Category 1 Slopes as the highest delineated slope category, then the 20 percent reduction would limit the maximum lot coverage to 24 percent for that residential lot.

- (4) The maximum disturbance area of lands that have been exclusively identified as Category 1 Slopes shall be limited to 70 percent of the total area of the Category 1 Slopes on the lot or property being developed.

(E) The following subdivision and land development provisions shall apply to all lots or parcels, regardless of their size, whereas at least 10 percent of the lot or parcel includes Category 2 Slopes:

- (1) The principal building and use may be located on Category 2 Slopes provided that a professional engineer, architect or surveyor, licensed within the Commonwealth of Pennsylvania, submits plans and supporting documentation to Lower Alsace Township and/or Mount Penn Borough as part of the subdivision plan, land development plan and/or building permit to demonstrate that the proposed construction methods shall mitigate any adverse impacts associated with steep slopes, hydrology, landscaping, erosion and stabilization. All such plans, designs and supporting documentation shall be signed and sealed by the professional engineer, architect or surveyor, which shall be subject to the review and approval of Lower Alsace Township and/or Mount Penn Borough.

- (2) Accessory buildings, uses and driveways may be located on or traverse through Category 2 Slopes.

- (3) The maximum building coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 25 percent from the conventional standard.

Example: If the maximum building coverage for a commercial lot is 40 percent and the lot contains Category 2 Slopes as the highest delineated slope category, then the 25 percent reduction would limit the maximum building coverage to 30 percent for that commercial lot.

- (4) The maximum lot coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 25 percent from the conventional standard.

Example: If the maximum lot coverage for a commercial lot is 60 percent and the lot contains Category 2 Slopes as the highest delineated slope category, then the 15 percent reduction would limit the maximum lot coverage to 45 percent for that commercial lot.

- (5) The maximum disturbance area of lands that have been exclusively identified as Category 2 Slopes shall be limited to 40 percent of the total area of the Category 2 Slopes on the lot or property being developed.

- (6) Municipal, utility and conservation uses shall be permitted on Category 2 Slopes.

(F) The following subdivision and land development provisions shall apply to all lots or parcels, regardless of their size, whereas at least 10 percent of the lot or parcel includes Category 3 Slopes:

- (1) The principal building and use shall not be located on Category 3 Slopes.

- (2) All accessory buildings, uses and driveways may be located on or traverse through Category 3 Slopes.

- (3) The maximum building coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 30 percent from the conventional standard.

Example: If the maximum building coverage for a residential lot is 20 percent and the lot contains Category 3 Slopes as the highest delineated slope category, then the 30 percent reduction would limit the maximum building coverage to 14 percent for that residential lot.

- (4) The maximum lot coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 30 percent from the conventional standard.

Example: If the maximum lot coverage for a residential lot is 30 percent and the lot contains Category 3 Slopes as the highest delineated slope category, then the 30 percent reduction would limit the maximum lot coverage to 21 percent for that residential lot

- (5) The maximum disturbance area of lands that have been exclusively identified as Category 3 Slopes shall be limited to 10 percent of the total area of the Category 3 Slopes on the lot or property being developed.
  - (6) Municipal, utility and conservation uses shall be permitted on Category 3 Slopes.
- (G) Applications involving a subdivision and/or land development plan shall include a topographical analysis, which includes a depiction of the slope categories drawn to scale. The municipality with jurisdiction shall review the accuracy of the topographical analysis. Where necessary, field verification shall be conducted by the applicant to verify the accuracy of the topographical analysis.
- (H) If required by the municipality with jurisdiction, applications involving a zoning permit or building permit shall include a topographical analysis, which depicts the slope categories drawn to scale.

#### **Section 509: Wetlands Overlay District**

- (A) The Wetlands Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and Mount Penn Borough. The purpose and objective of the Wetlands Overlay District Overlay District is outlined as follows:
- (1) To direct growth, development and revitalization efforts away from environmentally sensitive land areas and ecological habitats.
  - (2) To achieve and sustain a high quality natural resource system and to protect a natural diversity of ecosystems.
  - (3) To provide for terrestrial and aquatic habitats, which are essential for many species of flora and fauna.
  - (4) To develop a protective zone to serve as a natural filter in the removal of pollutants such as bacteria, nutrients and sediment from groundwater and surface water.
  - (5) To implement an effective hydrological and stormwater management program that adequately addresses surface drainage, groundwater recharge and soil erosion control measures
  - (6) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The Wetlands Overlay District shall include the following land and water features:
- (1) All areas delineated as wetlands and/or seasonal pools on the most recent National Wetlands Inventory Maps (NWIA), as prepared by the United States Fish and Wildlife Service. The general scale of the NWIA Maps may make them inaccurate for detailed delineation and mapping purposes.
  - (2) All areas delineated as wetlands and/or seasonal pools by a qualified wetlands specialist, biologist and/or soil scientist with experience in delineating wetlands in accordance with state and federal guidelines.
  - (3) All areas delineated as wetlands and/or seasonal pools by the United States Army Corps of Engineers (USACE), as part of a Jurisdictional Determination.
  - (4) All areas containing hydric soils, as defined, described and mapped as part of the Soil Survey of Berks County.

- (C) All uses permitted within the underlying zoning districts shall be permitted as part of the Wetlands Overlay District, provided that the land area intended to facilitate the proposed use and related site improvements has not been delineated as a wetlands area by Lower Alsace Township and/or Mount Penn Borough, the United States Army Corps of Engineers, the Pennsylvania Department of Environmental Protection (PA DEP), the Berks County Conservation District, and/or by a qualified wetlands specialist, biologist and/or soil scientist with experience in delineating wetlands in accordance with state and federal guidelines.
- (D) For all subdivision or land development applications involving areas with hydric soils and/or areas considered to be wetlands, a qualified wetlands specialist, biologist and/or soil scientist with experience in delineating wetlands in accordance with state and federal guidelines shall conduct a field investigation and delineate the limits of the wetlands on the parcel of land being subdivided or developed. The delineation shall be conducted in accordance with the most currently accepted methodology, as determined by the USACE and the PA DEP. As part of this requirement, a report containing the field investigation notes, wetland data sheets, summary, conclusions and resume of the person(s) responsible for the field investigation shall be issued to Lower Alsace Township and/or Mount Penn Borough for review and consideration. Further, the subdivision plan or land development plan shall contain a certification note that has been endorsed by the qualified person(s) responsible for the field investigation and the wetlands delineation, as accurately depicted on the subdivision plan or land development plan.
- (E) The maximum disturbance area or encroachment area on lands that have been delineated as wetlands shall not exceed ten (10) percent of the total area delineated as wetlands, unless otherwise permitted by a United States Army Corps of Engineers, the Pennsylvania Department of Environmental Protection, or other agency with jurisdictional authority.
- (F) For all areas that have been delineated as wetlands, the following provisions and restrictions shall specifically apply:
  - (1) No wetland encroachment or earth disturbance activities shall be permitted unless the appropriate permits or approvals have been obtained from the Pennsylvania Department of Environmental Protection and/or the United States Army Corps of Engineers.
  - (2) If a Jurisdictional Determination has been issued by the United States Army Corps of Engineers, a twenty (20) foot buffer zone shall be applied to all areas that have been delineated as wetlands, as measured from the perimeter of the wetlands area. Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, no encroachment or earth disturbance activities shall be permitted within the required buffer zone.
  - (3) If a Jurisdictional Determination has not been issued by the United States Army Corps of Engineers, a fifty (50) foot buffer zone shall be applied to all areas that have been delineated as wetlands, as measured from the perimeter of the wetlands area. Unless otherwise permitted by Lower Alsace Township and/or Mount Penn Borough, no encroachment or earth disturbance activities shall be permitted within the required buffer zone.
  - (4) Lower Alsace Township and/or Mount Penn Borough may allow a reduction in the dimensions or limits of the required buffer zone provided that the applicant can sufficiently demonstrate that there will be no degradation or negative impacts to the wetlands as a result of the reduction of the buffer zone.
  - (5) All areas delineated as wetlands within Lower Alsace Township and/or Mount Penn Borough are subject to the land use restrictions and controls, as specified by Lower Alsace Township and/or Mount Penn Borough, the Pennsylvania Department of Environmental Protection and/or the United States Army Corps of Engineers. Where encroachments or earth disturbance activities are proposed for any improvements, the required approvals or permits must be obtained by the applicant from the agency with jurisdiction.
- (G) Unless otherwise required by Lower Alsace Township and/or Mount Penn Borough, a wetlands delineation shall be conducted for all areas in which earth disturbance activities or improvements are proposed within the Wetlands Overlay District.

**Section 510: Woodlands Overlay District**

- (A) The Woodlands Overlay District shall be a conservation overlay to the underlying zoning districts of Lower Alsace Township and/or Mount Penn Borough. The purpose and objective of the Woodlands Overlay District is outlined as follows:
- (1) To protect areas classified as woodlands from inappropriate subdivision, land development and conservation management activities.
  - (2) To acknowledge that woodlands are a vital resource and provide a number of community benefits including: minimizing erosion on areas of steep slopes and stream banks; improving groundwater quality and quantity by filtering out pollution and sediment; providing wildlife habitats for plants and animals; providing effective stormwater management and erosion control; providing shade from direct sunlight and reduces temperatures; stabilizing adverse climate conditions by providing buffer and wind breaks; providing active and passive recreation opportunities; enhancing the scenic characteristics; and reducing air pollution by absorbing airborne pollutants.
  - (3) To establish forestry and timber regulations that will effectively promote good forest stewardship, protect the rights of adjoining property owners, and minimize the potential of adverse environmental impacts created by inappropriate timber harvesting.
  - (4) To minimize the clear cutting of woodlands and other earth disturbance activities, which may create adverse environmental and ecological impacts.
  - (5) To permit the sale of forestry products as an economic value and to appreciate that forestry is a leading industry within the Commonwealth of Pennsylvania.
  - (6) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) Terminology: The following terms relating to the Woodlands Overlay District area hereby defined:
- (1) Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any subdivision or land development activity.
  - (2) 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
  - (3) Woodland Extraction: The clear cutting of healthy mature trees (12 inches or more in caliper) to provide area for subdivision and land development activity on an individual lot.
- (C) The Woodlands Overlay District shall include the following uses, restrictions and activities:
- (1) Forestry, timber harvesting, tree harvesting and logging regulations, which apply to all operations involved with the cutting down of trees and removal of logs from woodlands or forests for the primary purpose of sale and commercial processing into wood products, shall be subject to the provisions specified under Section 616 of this Joint Zoning Ordinance.
  - (2) Woodland extraction, which applies to all earth disturbance activities including all subdivision and land development activities, shall be subject to Section 521 of the Subdivision and Land Development Ordinance.
  - (3) Tree protection and replacement regulations, which apply to all earth disturbance activities including subdivision and land development activities, shall be subject to Section 522 of the Subdivision and Land Development Ordinance.