

ARTICLE 2
DEFINITIONS

Section 201: General Interpretation.

- (A) For the purpose of this Zoning Ordinance, certain terms and words are defined under Section 202.
- (B) Words used in the present tense shall include the future tense.
- (C) Words in the singular shall include the plural and words in the plural shall include the singular.
- (D) Words in the masculine shall include the feminine and the neuter.
- (E) The word "shall", "must" or "will" is mandatory.
- (F) The word "may" or "should" is permissive.
- (G) The word "person" includes "individual", "corporation", "partnership", "organization", "association", "trust", or other similar entities.
- (H) The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for".
- (I) The word "building" shall be construed as if followed by the phrase "or part thereof".
- (J) The word "structure" includes "building" and shall be construed as if followed by the phrase "or part thereof".
- (K) The word "street" includes "expressway", "arterial", "highway", "thoroughfare", "avenue", "boulevard", "court", "lane" and "road".
- (L) The word "watercourse" includes "channel", "creek", "ditch", "drain", "dry run", "spring", "stream" and "swale".
- (M) Any word or term not defined herein shall be used with a meaning of standard usage.

Section 202: Specific Terms

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

Abandoned Vehicle: Any inoperable vehicle lacking a currently effective state license or inspection sticker.

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

Access Drive: An improved cartway or paved service road designed to provide vehicular access between the public road and the off-street parking area for the designated use.

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

Accessory Apartment: An apartment located within a single family detached dwelling or in an accessory building to a single family dwelling.

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

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

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

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

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

Adaptive Reuse and Redevelopment Overlay District: A special overlay district established to permit the planned reuse, division and/or redevelopment of existing buildings, structures and land areas within certain Zoning Districts, subject to the requirements of Section 602 of this Zoning Ordinance.

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

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

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

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

Adult Arcade or Mini-Motion Picture Theater: An enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons within private viewing booths and/or by use of token, coin-operated viewing booths, projectors, video machines, or other electronic media sources projectors, as defined by Upper Bern Township and/or the State Obscenity Code, as amended.

Adult Bookstore and Adult Novelty Store: A commercial establishment having as a substantial or significant portion of its stock in trade (for sale or rental) books, magazines, periodical, photographs, films, videos, motion pictures, slides or similar materials, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined by Upper Bern Township and/or the State Obscenity Code, as amended. An adult bookstore and/or adult novelty store may include the sale of instruments, devices, novelties or paraphernalia, which are designed for the use in connection with specified sexual activities.

Adult Cabaret: A nightclub, bar, club, restaurant tavern, theater, or similar commercial establishments, which features: persons who appear in the state of nudity or semi-nudity; live performances which are categorized by the exposure of specified sexual activities or specified anatomical areas; and/or films, motion pictures, videocassettes, slides, or other photographic reproductions, which are categorized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Establishment: An adult business use and/or an adult entertainment use, as permitted under the Upper Bern Township Zoning Ordinance.

Adult Theater: A theater, concert hall, auditorium, business, or similar commercial establishment, which features: persons who appear in the state of nudity or semi-nudity; live performances which are categorized by the exposure of specified sexual activities or specified anatomical areas; and/or films, motion pictures, videocassettes, slides, or other photographic reproductions, which are categorized by the depiction or description of specified sexual activities or specified anatomical areas.

Escort: A person who, for consideration, agrees, or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a striptease for another person.

Escort Agency: A person or business association, who or which furnishes, offer, or advertises to furnish escorts for a fee, tip, or other consideration, as part of its business.

Nude Model Studio: Any place where a person who appears semi-nude, in a state of nudity, or displays specific anatomic areas, and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, who may pay money or any other form of consideration.

Nudity or State of Nudity: The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage, the showing of the female breast with less than fully opaque covering of any part of the nipple, the showing of the covered male genitals in a discernibly turgid state, or as defined by the Commonwealth of Pennsylvania.

Seminude or Seminude Condition: The state of dress in which clothing partially or transparently covers or exposes specified anatomical areas.

Sexual Encounter Center: A business or commercial enterprise that as one of its principal business purposes, offers for any form of consideration: physical contact in the form of wrestling or tumbling between persons of the opposite sex: activities between male and female persons and/or persons of the same sex when one or more of the persons is in the state of nudity or semi-nudity; any violation on the activity popularly denominated as “mud wrestling; or any sexual encounter activities defined by the Commonwealth of Pennsylvania.

Sexually Oriented Business: Any adult business or entertainment use.

Specific Anatomical Areas: Human genitals, pubic region, anus, buttocks, female breasts(s) below a point immediately above the top of the areola, or human male genitals (covered or uncovered) in a discernibly turgid state, or as defined by the Commonwealth of Pennsylvania.

Specified Sexual Activities: Activities including: the fondling or other erotic touching of human genital, pubic region, buttocks, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; excretory functions as part of or in connection with any of the sexual activities set forth in this Zoning Ordinance; or any specified sexual activities defined by the Commonwealth of Pennsylvania.

State Obscenity Code: Section 5903, Title 18, Pennsylvania Consolidated Statutes, as amended.

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

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

Agriculture (General): The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry. This Zoning Ordinance outlines the limitations for general agricultural activities. These limitations shall not disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act, the Right to Farm Law, the Nutrient Management Law, and the Agriculture Communities and Rural Environment (ACRE) Law.

Agriculture (Intensive): Specialized agricultural activities, including but not limited to mushroom, swine, dairy, beef and poultry production, and any other livestock production, which due to the intensity of production or raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes. Intensive agricultural activities shall also include general agricultural activities exceeding the standards and specifications outlined under this Zoning Ordinance. This Zoning Ordinance also outlines the limitations for intensive agricultural activities. These limitations shall not disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act, the Right to Farm Law, the Nutrient Management Law, and the Agriculture Communities and Rural Environment (ACRE) Law.

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

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

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

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

Animal Hospital or Clinic: A professional veterinary establishment used for the diagnosis, care, and treatment of ailing or injured animals, which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

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

Animal Unit: Farm animals or livestock equaling 1,000 pounds of body weight of any species.

Antenna: A transmitting and/or receiving device used in telecommunications that radiates or captures radio signals.

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

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

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

Appalachian Trail Overlay District: A special overlay district established to protect the historical, scenic and cultural integrity of land areas within five hundred (500) feet of the Appalachian Trail, as further defined and regulated under Section 605 of this Zoning Ordinance.

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

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

Appointing Authority: The Upper Bern Township Board of Supervisors.

Architect: An architect registered by the Commonwealth of Pennsylvania.

Assisted Living Unit: A residential facility for the housing and care of elderly, frail or disabled persons.

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

Auction House: A commercial establishment where goods are sold at auction, including space devoted to sales and storage, off-street loading and unloading spaces, and all off-street parking spaces.

Automobile Sales: Any building or land area devoted to the sale of three (3) or more new or used vehicles at any given time, including customary service and repair facilities within an enclosed building.

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

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

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

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

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

Board: The Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania.

Board of Supervisors: The Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania.

Boarding House: The use and occupancy of a single-family detached dwelling for the purpose of accommodating four (4) or less transient guests for rent or compensation.

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

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

Building Area: The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

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

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

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

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

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

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

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

Business or Office Park: A group of mixed uses within a planned non-residential development, which principally relate to business or office uses, as specified under Section 807 of this Zoning Ordinance.

Caliper or Caliper at Breast Height: The diameter of a tree trunk, as measured 54 inches from the ground surface.

Campground: A plot of ground upon which two (2) or more campsites are located for occupancy, regardless whether a fee has been charged for the occupancy of such space.

Campsite: A plot of ground within a campground for the use of a single camping unit.

Camping Unit: A tent or camping vehicle located on a campsite.

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

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

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

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

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

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

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

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

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

Clear Sight Triangle: An area of unobstructed vision at a street intersection, as prescribed by Upper Bern Township and/or the Pennsylvania Department of Transportation, which shall be measured thirty (30) inches above the ground elevation and ten (10) feet below ground elevation, which is further defined by a line of sight between points at the centerlines of a street at the point of intersection of the proposed street.

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

Private Club or Country Club: Land and buildings containing private or semi-private recreation facilities, social quarters, restaurants, meeting rooms, banquet facilities, bars, taprooms, and similar uses, for the exclusive use of the members and their guests.

Social Club or Lodge: Land and buildings containing recreation facilities, social quarters, restaurants, meeting rooms, banquet facilities, bars, taprooms, and similar uses, owned and operated by non-profit organizations for the exclusive use of the members or guests.

Cluster Design for the BMP Zoning District: A conservation zoning development technique utilized to preserve open space, protect natural features, and encourage a form of cluster design involving single-family dwelling within the BMP Zoning District, as further specified under Section 707 of this Zoning Ordinance. Conservation by Design for the BMP Zoning District also shall be synonymous with “BMP cluster development”.

Cluster Design for the MDR Zoning District: A conservation zoning development technique utilized to preserve open space, protect natural features, and encourage a form of cluster design involving single-family dwelling within the MDR Zoning District, as further specified under Section 708 of this Zoning Ordinance. Conservation by Design for the MDR Zoning District also shall be synonymous with “MDR cluster development”.

Commercial Campground: A commercial use, whereas a lot or parcel of land are temporarily occupied by more than two (2) campsites during specified seasons, including tents and recreation vehicles.

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

Commercial Drive Through Establishment: A permitted commercial use, where the patrons have the option to be provided services without leaving their vehicle, as permitted in accordance with the provisions of Section 813 of this Zoning Ordinance.

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

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

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

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

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

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

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

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

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

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

Comprehensive Plan. The Joint Comprehensive Plan for Northern Berks County, or any part thereof, as adopted by the Upper Bern Township Board of Supervisors.

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

Conference Center: A facility utilized for meetings and seminars, with accommodations for meeting rooms, food preparation, social quarters, restaurants, banquet facilities, bars, taprooms, recreation facilities, entertainment, overnight accommodations, and similar uses.

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

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

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

Construction: The placement of materials and equipment in a defined area to be assembled, built, applied and/or demolished in a temporary or permanent manner, as approved by the designated officials of Upper Bern Township.

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

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

Convenience Store or Mini-Market: A building of not less than 4,000 square feet in gross floor area and not more than 10,000 square feet in gross floor area, which is opened to the general public for up to 24 hours per day, owned and operated by one entity, and designed and intended to be utilized solely for both the retail sale within the building of limited food items, beverages, take-out only delicatessen, newspapers, magazines, and incidental personal care items (but excluding the sale of prescription drugs and clothing) and the location within the building of not more than two ATM banking machines for the convenience of the general public, and the retail sale of gasoline outside of the building when dispensed from gasoline fueling positions located under a canopy. The sale of diesel fuel and/or the location of pay telephones are allowed only when permitted as an accessory conditional use by the Board of Supervisors.

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

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

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

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

Curb Line: The edge of the cartway.

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

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

Commercial Day Care Center: A facility which, on a daily basis, exclusively provides supplemental care and supervision and/or instruction to seven (7) or more children or adults simultaneously, who are not related to the caregiver or operator, where tuition, fees or other forms of compensation are charged, whether governmentally subsidized or not, and which is licensed or approved to dispense child or adult care by the Commonwealth of Pennsylvania, and whether operated by a for-profit entity or a not-for-profit entity.

Home Day Care: A building used principally as a residence by one adult caregiver resident thereof in which child day-care is provided simultaneously for three (3) to six (6) children who are unrelated to the resident caregiver. Such residential property shall have an outdoor play area in the rear of the property of sufficient size to accommodate six (6) children at once. For the purposes of this Zoning Ordinance, "home day care" shall be synonymous with "family day care".

Deck: An open or partially enclosed area of a residential use, which is constructed in accordance with the provisions of Upper Bern Township and is occupied for seasonal activities.

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

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

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

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

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

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

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

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

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

Distance Between Buildings: The shortest horizontal distance between buildings.

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

Domestic Pets: The keeping and housing of non-farm animals as pets on a property in accordance with local, state and federal laws.

Drive-Through Establishment: A commercial establishment, whereas the patrons are provided specialty services as part of a permitted use without leaving their vehicle, as further defined and regulated by this Zoning Ordinance.

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

Dump: A site utilized for the disposal, abandonment, dumping, burial, incineration, burning, or other means of discarding garbage, trash, junk, vehicles, automobile parts, or other forms of waste.

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

Single-Family Detached Dwelling: A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building.

Single-Family Semi-Detached Dwelling: A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a vertical common wall.

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

Multi-Family Dwelling: A building arranged, designed and intended to be occupied exclusively as a residence for three (3) or more families. Individual dwelling units may share up to three (3) part walls with other units and either have a common outside access areas or have individual outside access areas. Types of such buildings shall include townhouses, apartments and/or condominiums.

Townhouse: A building arranged, designed and intended to be occupied exclusively as a residence for one (1) family, which is one (1) of a group of three (3) or more such buildings, placed side by side and separated by unpierced vertical common walls, each dwelling having at least one (1) separate entrance from the outside.

Apartment Building: A building on a single lot arranged, designed and intended to be occupied as a residence for two (2) or more families, and in which the dwelling units may be separated horizontally and/or vertically.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common open space solely for the owners of those portions, created under either the Pennsylvania Unit Property Act, as amended, or the Pennsylvania Uniform Condominium Act, as amended.

Mobile Home: A transportable, single-family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Modular or Manufactured Home: Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site. Housing units defined as mobile homes are excluded from this definition.

Secondary Housing Unit: A separate housing unit that is secondary or independent from the primary housing unit or permitted use, which may consist of ECHO housing units, guest houses, accessory apartments, security guard quarters and/or migrant farm houses, which are designed in accordance with the provisions specified under Section 714 of this Zoning Ordinance.

ECHO House: A secondary housing unit that is temporarily placed on a property for an occupancy period not to exceed five (5) years by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

In-Law Suites: A secondary housing unit that is an independent component or apartment unit, which is attached to the primary dwelling unit to be utilized for an occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

Security Guard Quarters: A secondary housing unit that is an independent component or mobile home, which is placed on a non-residential property for the purposes of housing a security guard during non-business hours.

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

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

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

Egress: A point of exit from a property.

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

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

Centerline Elevation: The elevation of the street at the midpoint of the street.

Curb Elevation: The elevation of the street at the curb line.

First Floor Elevation: The elevation of the level of living space at the main entrance of the building.

Garage Elevation: The elevation of the garage floor at the center of the garage door.

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

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

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

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

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

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

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

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

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

Farm: An area of land, including all buildings, accessory buildings, farm buildings and one (1) single-family detached principal dwelling, which are utilized as part of an agricultural operation and where the primary source of income is derived from property.

Farm Animals: The raising and ownership of poultry, sheep, goats, swine, cattle, horses, and other similar animals, which are common to a farm in accordance with the provisions established by Upper Bern Township.

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

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

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

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

Financial Institution: A bank, savings and loan, credit union, or similar use.

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

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

Floodplain Overlay District: A conservation overlay of land and water, which have been defined within the Flood Insurance Study, as prepared by the Federal Emergency Management Agency, which principally include areas located along the major creeks and waterways of Upper Bern Township. The following sub-definitions and categories, which are further described and regulated under Section 502 shall apply to the Floodplain Overlay District:

Base Flood or Regulatory Flood: The flood that has been selected to serve as the basis upon which the floodplain management provisions of this Zoning Ordinance have been prepared. The Base Flood or Regulatory Flood shall also be known as the 100-year flood.

Floodplain: A relatively flat or lowland area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation of water, which is subject to unusual and rapid accumulation of water, or runoff of surface waters from any source. The term "floodplain" shall also be synonymous with the term "100-year floodplain".

Flood Hazard District: Those portions of land and water that are generally subject to the inundation of the 100-year flood, whereas base flood elevations have been determined or approximated by the most recent Flood Insurance Study, as conducted by the Federal Emergency Management Agency.

Flood Hazard Map: A map depicting those areas or features within the Flood Hazard District, including, but not limited to, the floodplain, floodway, floodway fringe, as well as other areas or features identified by the Federal Emergency Management Agency. The Flood Hazard Map shall also mean the Flood Insurance Rate Map issued by the Federal Emergency Management Agency.

Flood Insurance Study: The most recent study prepared by the Federal Emergency Management Agency.

100-Year Floodplain: A flood that, on the average, is likely to occur once every one hundred (100) years, or has a one (1) percent chance of occurring each year, although the flood may occur in any year. The term "floodplain" shall also be synonymous with the term "100-year floodplain".

Floodway: That portion of the Floodplain Overlay District that is required to carry and discharge the waters of the 100-year flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions, as determined in the Flood Insurance Study for Upper Bern Township or the Federal Emergency Management Agency.

Floodway Fringe: That portion of the Floodplain Overlay District that is subject to inundation by the 100-year flood, lying beyond the floodway in areas where detailed study data and profiles are made available by the Flood Insurance Study

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

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

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Felling: The act of cutting a standing tree so it falls to the ground.

Landing: A place or area where logs, pulpwood or firewood are assembled for transportation to processing facilities.

Lop: To cut tops and slash into smaller pieces to allow the material to settle close to the ground.

Operator: An individual, partnership, company, firm, association, or corporation, which is engaged in timber harvesting or forestry operations, including the agents, subcontractors and employees thereof.

Skidding: Dragging trees on the ground from the stump to the landing area by any means.

Slash: Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, broken or uprooted vegetation, or similar items.

Stand: Any area of the forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

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

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

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

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

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

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

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

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

Governing Body: The Board of Supervisors of Upper Bern Township, Berks County.

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

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

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

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

Hazardous Materials: Those chemicals or substances, which are physical hazards or health hazards as defined and classified by Upper Bern Township, whether the materials are in usable or waste condition

Health and Recreation Club: A private or public indoor facility utilized for health, fitness and/or recreational activities. All activities relating to an adult business use shall be prohibited within a health club.

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

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

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

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

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

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

Historical Preservation Overlay: A special overlay district established to provide provisions for subdivision, land development, aesthetics, architectural appearance, landscaping, signs and streetscape design, as further specified in Section 606 of this Zoning Ordinance.

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

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

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

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

Category 2 Home Occupations: A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the residential use, which may involve some employee(s), customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises, in excess of those normally associated with a residential use.

Hospital: An institutional use, licensed by the Commonwealth of Pennsylvania, which provides for in-patient and out-patient medical care, twenty-four (24) hours per day, seven (7) day per week, as well as providing primary health services, medical care and surgical services to patients suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions. In addition, a hospital may also include accessory uses and facilities including, but not limited to, medical offices, administrative offices, educational facilities, research centers, clinics, cafeterias, retail stores, and other uses considered customary to a hospital or medical campus.

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

Hydric Soil: A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are identified within the Soil Survey of Berks County and the Joint Comprehensive Plan for Northern Berks County.

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

Impervious Surface: All impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces, which do not normally absorb rainfall.

Impoundment Facility or Yard: A designated and secured area for the temporary storage of motor vehicles, which have been transported to the facility for a period of time not to exceed 120 days, and as further regulated under the provisions of Section 811 of this Zoning Ordinance.

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

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

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

Independent Living Care Facility: A residential community or use designed for those persons who are independent with respect to their daily living activities (bathing, dressing, grooming and eating) and choose to reside in a community with other seniors (55 years or older). These communities may offer amenities such as, but not limited to, security systems, recreational activities, social programs, meal services and transportation.

Industrial Park: A group of mixed uses within a planned non-residential development, which principally relate to industrial uses, as specified under Section 809 of this Zoning Ordinance.

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

Ingress: A point of entrance to a property

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

Interstate 78 Interchange Overlay District: A special overlay district established to provide provisions for land development, economic development, zoning alternatives, aesthetics, and architectural appearances, at the Shartlesville Interchange along Interstate 78, as further defined in Section 604 of this Zoning Ordinance.

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

Junk Yard or Salvage Yard: A lot, land or structure, or parts thereof, used for the collection, storage, dismantling, salvage, sale, exchange and/or recycling of used and discarded materials, including, but not limited to, waste, paper, rags, glass, containers, fabric, debris, and similar material from vehicles, equipment or machinery. The deposit or storage of two (2) or more unlicensed, non-inspected, abandoned, wrecked or disabled vehicles shall be deemed to be a "junk yard" or "salvage yard", which as a result of being classified of such use shall conform with the provisions of Section 820 of this Zoning Ordinance.

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

Kennel, Commercial: Any property, including any building or structure thereon, where five (5) or more dogs or domesticated pets over the age of twelve (12) weeks, which are kept or maintained for boarding, grooming, breeding, training, showing, selling or exchange to other individuals. All such commercial kennel operations shall be subject to the provisions of Section 816 of this Zoning Ordinance.

Kennel, Private: Any property, including any building or structure thereon, where five (5) or more dogs or domesticated pets over the age of twelve (12) weeks, are kept or maintained per acre of land area that is owned by the property owner, up to a maximum of ten (10) dogs or domesticated pets. All such private commercial kennel operations shall be subject to the provisions of Section 816 of this Zoning Ordinance.

Kitchen Facilities: An enclosed and weatherproofed room consisting of a sink with plumbing facilities, permanent stove/oven and a refrigerator, which complies with all codes adopted by Upper Bern Township.

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

Land Development: Any of the following activities:

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

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

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

Livestock. The raising and ownership of chickens, turkey, sheep, goats, hogs, pigs, cattle, horses, and other similar animals, which are common to a farm.

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

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

Corner Lot: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty five (135) degrees. The front yard and lot width requirements shall apply to each street to which the corner lot has frontage. The other yards shall be designated as side yards.

Interior Lot: A lot other than a corner lot, the sides of which do not abut a street.

Reverse Frontage Lots: Lots that have frontage on two (2) public streets while restricting vehicular access solely from the public street which would front along the commonly identified rear of the lot.

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

Flag Lot or Keyhole Lot: An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise land locked interior parcel.

Lot Area (Gross): The space contained within the lot lines, including land area within all existing and future/ultimate street rights-of-way, areas delineated as "wetlands", areas identified as common open space and land area within all utility, municipal and stormwater easements.

Lot Area (Net): The space contained within the lot lines, excluding any and all land areas as follows: areas within existing or designated ultimate street rights-of-way; areas delineated as "wetlands"; areas within the 100-year floodplain; areas exceeding 20 percent in slope; areas identified as common open space; and areas within easements dedicated for utility, municipal or stormwater purposes. The net lot area for all proposed lots shall be no smaller than the minimum lot size for the zoning district in which the lot is located.

Lot Coverage: The percentage of a lot covered by all impervious surfaces, as determined by the Upper Bern Township Engineer or Zoning Officer.

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

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

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

Front Lot Line: The line separating a lot from a street. The front lot line is also the street line.

Rear Lot Line: The lot line, which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten (10) feet long.

Side Lot Line: Any lot line other than a front or rear lot line.

Street or Alley Lot Line: A lot line separating the lot from a street or alley.

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

Lot Width: The width of a lot measured at the street line and at the street line, the legal right-of-way line and the ultimate right-of-way line (where it exists) of the street immediately adjacent thereto.

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

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

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

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

Medical or Dental Clinic: A building, which primarily involves a health care use, where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, psychologist, social workers, or other similar licensed professional, whereas the patients are not typically lodged overnight or after normal office hours unless prescribed by the licensed professional.

Medical Research Center: A public or private facility utilized for medical testing, sampling or research in a controlled laboratory environment.

Medical Research Park: A group of mixed uses within a planned non-residential development, which principally relate to medical or institutional uses, as specified under Section 808 of this Zoning Ordinance.

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

Mezzanine: An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located

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

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

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

Mini-Market: A commercial establishment usually not over 4,000 square feet in gross floor area, offering prepackaged foods, newspapers, magazines, and other similar items.

Mini-Warehouse or Self-Storage Facility: A building or group of buildings that are divided into individual units, each of which unit is available for rent or lease to the public for the self-storage of tangible personal property.

Mixed-Use Commercial and Residential Uses: A combination of uses within a single building including a permitted commercial use occupying the first floor and no more than two (2) residential rental units occupying the second floor, as further defined and regulated under Section 713 of this Zoning Ordinance.

Mobile Home Lot: A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

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

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

Motor Freight Terminal: Any building or land area on which freight is delivered for transfer, assembly, storage or sorting, and then shipped to another location. This definition shall be synonymous with the term "trucking or motor freight terminal" and may be synonymous with "trucking or motor freight convenience center".

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

Municipality: Upper Bern Township, Berks County, Pennsylvania.

Municipal Authority: The Upper Bern Township Municipal Authority.

Municipal Use: A use owned and maintained by Upper Bern Township for public recreation area, park, swimming pool, golf course, spectator sports, municipal offices, police station, water and sewage facilities, utilities, community centers, solid waste disposal areas, recycling centers, composting facilities, road materials and equipment storage and similar governmental or municipal uses.

Non-Commercial Animal Composting: A legal method of disposing of farm animal mortality.

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

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

the enactment of such Zoning Ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

Nursery or Greenhouse: A use involving the raising of trees (for transplanting), ornamental, shrubs, flowers or house plants for any commercial purpose. All nursery/greenhouses that are designed and constructed to be one thousand (1,000) square feet or less shall be considered an accessory structure. All nursery/greenhouses that are designed and constructed to exceed one thousand (1,000) square feet in size shall be considered a principal structure.

Northkill Creek Overlay District: A conservation overlay of land and water, which include areas of stream valleys, floodplains, wetlands, hydric soils, high water table soils with hydric components, and steep slopes, as further defined and regulated under Section 507 of this Zoning Ordinance.

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

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

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

Permanent Occupancy: Occupancy for a period in excess of 120 consecutive days within one calendar year.

Temporary or Seasonal Occupancy: Occupancy for a period less than 120 consecutive days within one calendar year.

Office: A use that primarily involves professional or non-profit services relating to, but not limited to, administrative, business, clerical, financial, governmental, medical, municipal, political, religious, or similar office uses, as determined by the Zoning Officer.

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

Official Zoning Map: The Zoning Map of Upper Bern Township.

Old Route 22 Corridor Overlay District: A special overlay district established to provide provisions for land development, aesthetics, architectural appearance, landscaping, and streetscape design, along the Old Route 22, as further defined and regulated under Section 603 of this Zoning Ordinance.

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

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

Ordinance: The Upper Bern Township Zoning Ordinance of 2008 or any provisions or amendments thereof, enacted by the Board of Supervisors, including the Official Zoning Map.

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

Outside Sales: All sales conducted outside of a principal building.

PA: The Commonwealth of Pennsylvania.

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

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

Parking Perimeter: The limit beyond the defined off-street parking area, which parking is not allowed or permitted.

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

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

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

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

Building Permit: A permit issued for a specific building, structure or land use, which indicates that the proposed construction, alteration, development, reconstruction, or similar activities are in accordance with the appropriate construction provisions established by Upper Bern Township, and authorizes an applicant to commence with the activities specified on the application or the provisions of the permit.

Demolition Permit: A permit issued to demolish, remove, destroy and/or eliminate a building or structure.

Occupancy Permit: A permit issued for a building, structure or land use, which indicates that certain construction, alteration, reconstruction, development, or similar activities have been completed and inspected in accordance with the appropriate provisions established by Upper Bern Township, and allows the applicant to occupy the building, structure or land area in accordance with the provisions of the permit.

Seasonal or Temporary Permit: A permit issued for a specific building, structure or land use, which indicates that the seasonal or temporary activities are in accordance with the appropriate provisions established by Upper Bern Township, and authorizes an applicant to commence with the seasonal or temporary activities for a defined period of time, not to exceed 60 cumulative days within a calendar year and as specified on the permit.

Sign Permit: A permit issued for a specific on-premises or off-premises sign.

Special Permit: A permit issued to non-profit organizations for specific use and event on land owned or leased by the applicant for a defined period of time, not to exceed 30 cumulative days within a calendar year and as specified on the permit. Such permitted uses may include carnivals, circuses, bazaars, fairs, seasonal sales or other non-profit fund raisers.

Permitted Use: A use permitted in a particular district to occupy or use land for a specific purpose in accordance with this Zoning Ordinance, when such use is permitted by right.

Person: An individual, corporation, partnership, organization, incorporator's association, trust, or other similar entity.

Personal Care Facility: A facility owned and operated by a legal entity, which possesses the appropriate certifications and licenses issued by the Commonwealth of Pennsylvania for operating a personal care home at a defined location. The facility shall be used to provide dwelling units, food, personal assistance or supervision to adults of advanced age or otherwise who do not require services at a licensed long-term care facility, but who, because of their advanced age

or other condition, require assistance or supervision in matters such as dressing, bathing, diet, financial management, emergency evacuation, and/or taking medication prescribed for self-administration.

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

Place of Worship: Land areas occupied by buildings, churches, synagogues, retreat centers, monasteries, seminaries, convents, shrines, cemeteries, and other similar non-profit facilities, as further defined under Section 806 of this Zoning Ordinance, which are primarily used for religious or spiritual worship.

Plan: A proposal for development, subdivision or land development, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities, which complies with the provisions established by Upper Bern Township.

Planning Commission: The Upper Bern Township Planning Commission, Berks County, Pennsylvania.

Porch: A roofed or unroofed structure projecting from the front, side or rear wall of a building.

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

Prime Agricultural Land or Resources: Prime agricultural soils or land areas as defined by the Upper Bern Township Zoning Ordinance and/or the Joint Comprehensive Plan for Northern Berks County.

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

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

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

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

Public Hearing: A formal meeting held pursuant to public notice by Upper Bern Township the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

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

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

Quarrying or Mining Activities: The removal or extraction of minerals, rock, natural resources, or other products of earth, either on the surface or below the surface, in accordance with the provisions of Upper Bern Township and Commonwealth of Pennsylvania.

Quarry Support Activities: Those activities or subordinate uses to a quarry operation, which may include a bituminous asphalt plant, concrete manufacturing facility, concrete plant, concrete and asphalt recycling facility,

demolition recycling facility, manufacturing facility and/or similar quarry support uses that are intended to complement or support quarrying or mining activities.

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

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

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

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

Recreational Uses, Commercial: An active or passive recreational use in which a fee is generally paid to utilize the recreation facilities. A family entertainment complex shall be considered as a commercial recreation use.

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

Religious Use: Land areas occupied by buildings, churches, synagogues, retreat centers, monasteries, seminaries, convents, shrines, cemeteries, and other similar non-profit facilities, as further defined under Section 806 of this Zoning Ordinance, which are primarily used for religious or spiritual worship.

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

Rental Unit: A defined area within a building or structure, which is rented or leased to accommodate residential or non-residential uses, as permitted by Upper Bern Township.

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

Restaurant: A commercial establishment devoted to the sale and consumption of food and beverages to patrons within an enclosed building, while the patrons are seated at counters, booths, or tables. A restaurant may contain an accessory area or use devoted to outdoor eating, retail sales, social quarters, meeting rooms, bars, taverns, taprooms, and similar uses, provided the cumulative total area of the accessory use does not exceed 30 percent of the gross floor area of the restaurant.

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

Resource Recovery Facility: A facility or land that is used for any one (1) or a combination of the following or similar uses: composting, incineration, material separation, recycling or trash transfer. A resource recovery facility shall be owned and operated by Upper Bern Township.

Composting Facility: A facility for the composting of the organic matter in municipal solid waste.

Incinerator: A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

Refuse Derived Fuel (RDF) Facility: The extraction of materials from municipal solid waste for recycling or for use as refuse derived fuel (RDF).

Recycling Facility: A business that accumulates material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material, which can be used to manufacture a new product.

Transfer Station: A facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling).

Retail Business Establishment: A permitted business establishment occupying a single permitted retail use, whereas, depending upon its size, type, location or intensity may require distinct approval procedures.

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

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

Legal Right-Of-Way: The existing width or area of land, which is currently owned and maintained by Upper Bern Township, the Commonwealth of Pennsylvania, and/or other public agency or authority.

Ultimate Right-Of-Way: The width or area of land, which is determined necessary to reserve and/or dedicate in order to accommodate future public improvements.

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

Rooming House: The use and occupancy of a single-family detached dwelling for the purpose of accommodating four (4) or less transient guests for rent or compensation.

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

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

On-Lot System: A sewage disposal system which collects, conveys, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.

Community System: A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.

Public or Municipal System: A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant.

Optional System Requirement: A special or unique use of land, which because of its wastewater disposal needs may have the option to utilize on-lot sewage disposal methods or connect to a private, community, public or municipal treatment system. The selected method for wastewater collection, conveyance and treatment shall be consistent with the Upper Bern Township Act 537 Plan and Pennsylvania Sewage Facilities Act.

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

School: A building or group of building intended to provide or facilitate an educational use including pre-schools, nursery schools, kindergartens, elementary schools, secondary schools, trade schools, vocational schools, colleges and/or universities.

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

Secondary Housing Unit: A separate housing unit that is secondary or independent from the primary housing unit or permitted use, which may consist of ECHO housing units, in-law suites, and/or security guard quarters, that are designed in accordance with the provisions specified under Section 714 of this Zoning Ordinance.

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

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

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

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

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

Accessory Sign: A subordinate sign locate on the same property of the principal use, which is erected to further describe the products or services available to the general public.

Animated Sign: A sign or any device designed to attract attention by visual means through the movement or semblance of movement by mechanical, electrical or natural means.

Banner: A promotional sign for special community events including, educational, charitable, philanthropic, civic, cultural, municipal, fraternal, religious, or similar community events as determined by the Zoning Officer, whereas

the promotional sign or banner shall be considered as temporary for a period of time not to exceed 30 cumulative days in a calendar year. All such signs or banners shall be made of nylon, canvas, or similar all-weather material.

Billboard: An off-premises sign erected by a professional sign company or by the outdoor advertising industry, on which advertisement space is leased for a fixed period of time.

Business or Non-Residential Sign: An on-premises sign designated for a permitted business or non-residential use, which identifies the written name, type of business, commodity sold, services, trademark and/or symbol.

Canopy Sign: A non-illuminated sign made of cloth, canvas, aluminum, metal, wood, or similar materials, which is affixed to a building and projects outward, whereas the sign or message is painted on, sewed, fastened or applied. All such signs may or may not be fixed or equipped with a mechanism for raising or holding the canopy or awning in a retracted position against the building.

Charitable or Community Service Sign: An on-premises sign identifying the charitable or community service organization, including religious facilities, volunteer fire companies, or other non-profit organization. All such signs may include supplemental information concerning hours, events, activities or messages.

Development Sign: An on-premises sign indicating that the property is actively in the process of subdivision or land development for residential or non-residential uses.

Directional Sign: An informational or functional on-premises sign, containing only information pertaining to direction, entrance, exit, off-street loading spaces, service areas, service lanes, fire lanes, handicapped parking spaces, and off-street parking areas. All such directional signs shall contain no advertisement messages.

Double-Faced Sign: A sign with two (2) faces that is parallel, facing opposite directions, and matching in size and shape.

Flashing Sign: A type of sign in which the illumination is not kept constant in intensity at all times of use, and which exhibits sudden, times or marked changes in lighting effects. Unless otherwise permitted by this Zoning Ordinance, flashing signs shall be prohibited.

Freestanding Sign: An on-premises sign displaying information pertaining to the existing use for which it is located, and is supported by, or suspended from a freestanding column or other support(s) located in or upon the ground surface.

Ground Sign: An on-premises sign displaying information pertaining to the existing use for which it is located, and is placed upon, supported by, and anchored to the ground. A ground sign shall not be considered as a freestanding sign or portable sign.

Identification Sign: An on-premises sign identifying a medical facility, hospital, school, institutional use, religious facility, municipal facility, recreational use, farm, historical site, or similar use.

Illuminated Sign: A sign designed to project or reflect artificial light from an internal or external source, which may be directly, indirectly illuminated, or through transparent or translucent material. Illuminated signs may include, billboards, freestanding signs, ground signs, or signs affixed to a building or structure, as permitted under the provisions of this Zoning Ordinance.

Marquee Sign: An on-premises sign attached to a building façade, which may include changeable letters, messages or displays.

Municipal or Official Sign: A sign erected by Upper Bern Township, Berks County, the Commonwealth of Pennsylvania, or other governmental organization.

Off-Premises Sign: A permitted sign, which directs attention to a business, commodity, service, entertainment, institution, or other use, which is offered elsewhere other than upon the premises where the sign is located.

On-Premises Sign: A permitted sign, which directs attention to a business, commodity, service, entertainment, institution, or other permitted use, which is offered on the same property or tract of land where the sign is located.

Portable Sign: A temporary sign designed to be moved from place to place, which is not affixed or anchored to the ground, structure or building.

Projecting Sign: An on-premises sign mounted upon a building so that its principal face is a right angle or perpendicular to the wall of the building. All such projecting signs shall extend at least one (1) foot from the building but no more than twelve (12) feet from the building.

Real Estate Sign: An on-premises sign pertaining to the sale or lease of the premises on which the sign is located.

Roof Sign: An on-premises sign, which is erected or displayed upon the roof of a building or exceeds the height of the building. Unless otherwise specified by this Zoning Ordinance, a roof sign shall be prohibited.

Special Event or Seasonal: A temporary sign, anchored or mounted to the ground by a cylinder or sleeve by which periodical advertisement of specials can be displayed during certain segments of the year in accordance with the provisions specified by this Zoning Ordinance.

Sports Facilities Business Sign: A business sign, erected and maintained only for a non-profit organization or entity organized to promote youth sports teams, advertising a business, service, product, or organization, restricted as to purpose and location, and conforming to the requirements of this Zoning Ordinance.

Sign Area: The area of a sign shall be construed to include all lettering, wording, border trim or framing, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle, which encompasses all of the letters and symbols used for the sign, regardless of the actual shape created by the letters and symbols.

Sign Height: The height of the sign, as measured at the location of the sign from the ground elevation to the highest and lowest parts of the sign.

Special Use or Temporary Sign: A permitted on-premises sign erected for a temporary period in accordance with the provisions specified by this Zoning Ordinance.

Vehicle Sign: A sign affixed or painted on a vehicle, trailer or similar device.

Wall Sign or Parallel Sign: An on-premises sign posted on, suspended from, or otherwise affixed to the wall, facade, or vertical surface of a building, which does not project or extend more than twelve (12) inches from the wall, facade, or vertical surface of the building to which it is attached. A wall signs may partially extend above the roofline by more than 20 percent of the sign height, as measured at the point where such sign are attached to the building.

Window Sign: A temporary or permanent on-premises sign, affixed to or visible through a window of a building.

Silo: A tall cylindrical structure that is located on a farm and generally used to store crops for animal feed.

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

Sliding Scale: A method of allocating building lots within the Agricultural Preservation Zoning District.

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

Solicitor: The legal consultant or attorney appointed by the Upper Bern Township Board of Supervisors.

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

Solid Waste Disposal and Reduction Facilities: A site in which engineering principles are utilized to bury, dispose, reduce, eliminate and/or incinerate deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation. All such facilities may include sanitary landfills, solid waste landfills, low level radioactive waste disposal facilities, resource recovery facilities, recycling centers and transfer stations.

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

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

State: The Commonwealth of Pennsylvania and its designated agencies.

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

Category 1 Slopes: All land areas in which the topographical conditions have a range of slope between 10 to 20 percent in slope in pre-development conditions, whereas the difference in vertical elevation ranges between 5 to 10 feet over a horizontal distance of 50 feet, as measured in any given direction

Category 2 Slopes: All land areas in which the topographical conditions have a range of slope between 20 to 30 percent in slope in pre-development conditions, whereas the difference in vertical elevation ranges between 10 to 15 feet over a horizontal distance of 50 feet, as measured in any given direction.

Category 3 Slopes: All land areas in which the topographical conditions exceed a slope of 30 percent in slope in pre-development conditions, whereas the difference in vertical elevation is 15 feet or more over a horizontal distance of 50 feet, as measured in any given direction.

Steep Slope Overlay District: A conservation overlay of land and water, which have been defined by Section 504 of this Zoning Ordinance.

Steeple: A tall tapering structure narrowing to a point on the top that is located on the roof of or is part of the superstructure of a church or other place of worship.

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

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

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

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

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

Expressways: Routes providing for corridor movements that represent substantial statewide, interstate, or regional travel and movements between major urban areas. Expressways contain the most heavily traveled routes (10,000 to 100,000 trips per day) and including multi-lane roadways. This system provides links between

developed areas and adjacent towns and cities. The system is designed for relatively high speeds (50 to 65 MPH) with a minimum of interference to through traffic. Expressways facilitate truck transport by providing optimum conditions. Mobility is the principal function and accessibility should be limited to carefully planned interchanges to preserve the functional classification of expressways.

Arterials (Minor and Major Arterial): Routes providing for corridor movements that represent substantial statewide or regional travel and movements between major urban areas. Arterial routes contain heavily traveled routes (5,000 to 25,000) including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (35 to 55 MPH) with a minor interference to through traffic. Arterial routes facilitate truck transport by providing favorable conditions. Mobility is the major function and accessibility should be limited to preserve the functional classification.

Collectors (Minor and Major Collector): Routes that serves primarily regional or intra-county trips and represents those routes with shorter travel distances than arterial routes. Collector roads contain well-traveled roads (500 to 10,000 trips per day) leading to specific destinations or to expressways and arterial routes. The system is designed for moderate speeds (25 to 45 MPH) with some interference with designed intersections to permit through traffic. Depending upon its structural integrity and design, collector routes can facilitate lightweight truck transport. Mobility is a significant function and accessibility should be limited to street intersections and driveways in order to preserve the functional classification of collector roads.

Minor Streets or Local Access Streets: Roads that primarily serve local trips and represents those routes with shorter travel distances than collector routes. Local roads contain low volume to moderately traveled roads (less than 500 trips per day) leading to collector and arterial routes. The system is designed for lower speeds (20 to 35 MPH) with interference with a number of designed intersections. Local roads are typically designed to facilitate lightweight truck transport for local deliveries. Mobility is a minor function and accessibility to street intersections, driveways and adjacent land areas is significant for local roads.

Marginal Access Roads: Roads that serve specific land uses, which are parallel or adjacent to an expressway, arterial or major collector roads. Marginal access roads are typically designed to accommodate the use(s) they directly serve. Accessibility between selective points is an essential design element with control at the point of destination. Many marginal access roads are privately owned and maintained.

Cul-De-Sac Street: A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.

Internal Street: A minor street used for circulation and access within a development involving multi-residential, commercial and/or industrial land uses.

Service Street (Alley): A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

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

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

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

Permanent Structure: A structure to be utilized for a specific purpose for more than one (1) year, provided the structure complies with the provisions established by Upper Bern Township.

Temporary Structure: A structure to be utilized for a specific purpose for less than one (1) year, provided the structure complies with the provisions established by Upper Bern Township.

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

Subdivision and Land Development Ordinance: The Upper Bern Township Subdivision and Land Development Ordinance of 2008, as adopted by the Upper Bern Township Board of Supervisors on January 28, 2008, as part of Upper Bern Township Ordinance 93-2008, as may be amended from time to time.

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

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

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

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

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

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

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

Telecommunications: The science or technology of communications by electronic transmission of impulses as by telegraph, cable, cellular, telephone, radio, television, microwave, earth station broadcast/cable television communications and other similar technology not otherwise enumerated and as may evolve after enactment of this Ordinance.

Telecommunication Facility: A structure, building, tower, antennae and other types of facilities utilized as primary or accessory uses for telecommunications. The following sub-definitions of telecommunication facilities are provided as follows:

Colocation: The location of more than one (1) communications antenna on a communication tower, support structure, building, public utility transmission tower, or other similar structure.

Communications Antenna: A device used to receive and/or transmit wireless communications or radio signals, including panels, microwave dishes, wires, signal poles, whips, or similar communication devices.

Communications Support Structure or Tower: Any monopole or lattice structure designed and intended to be used for the support and attachment of one (1) or more commercial communications antennas, appurtenant communications equipment, or similar devices.

Communications Antenna Height: The vertical distance as measured from the base of the commercial communications antenna support structure at the undisturbed grade to the top of the highest point of the structure. If a commercial communications antenna support structure is located on a sloped grade, the average grade between the highest and lowest elevations on either side of the support structure shall be utilized to calculate the height.

Directional Antenna: An antenna or array of antennas designed to concentrate a radio signal in a particular area.

Lattice Tower: A guyed or self-supporting three (3) or four (4) sided open, steel frame structure used to support telecommunications equipment.

Micro-Cell: A low power mobile radio service telecommunications facility used to provide increased capacity in high call demand areas or to improve coverage in areas of weak coverage. Micro-cells communicate with the primary low power mobile radio service facility in a coverage area via fiber optic cable or microwave. Coverage area for a micro-cell is typically a one (1) mile radius or less.

Microwave Antenna: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Monopole: A structure composed of a single spire used to support telecommunications equipment.

Omni Directional Antenna: An antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.

Repeater: A low power mobile radio service telecommunications facility that extends coverage of a cell or service area to areas not covered by the originating cell or service area.

Whip Antenna: An antenna that is cylindrical in shape, which can be directional or omni-directional. Their size varies based upon the frequency and gain for which they are designed.

Wireless Communications Equipment Building: A building or cabinet in which electronic receiving, relay or transmitting equipment for a wireless communications facility is housed. The equipment building shall be considered as a component of the commercial communications facility.

Wireless Communications Facility: The communications antenna(s), support structure, communications equipment building, if any, parking and/or other structures and equipment involved in receiving or transmitting wireless communications or radio signals. A wireless communications facility shall also be considered as a commercial communications facility.

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

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

Therapeutic Spa or Hot Tub: Any structure intended for relaxation, physical therapy, bathing or wading containing over a depth exceeding twenty-four (24) inches as further regulated within Section 921 of this Zoning Ordinance.

Tourist Home: The temporary use and occupancy of a single-family detached dwelling for the purpose of accommodating transient guests for rent.

Township: Upper Bern Township, Berks County, Pennsylvania.

Township Engineer: The Upper Bern Township Engineer appointed by the Upper Bern Township Board of Supervisors.

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

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

Trucking or Motor Freight Establishment: Any area of land together with buildings, which can accommodate the transfer of cargo and freight with trucks or other commercial vehicles. This definition shall also include temporary convenience stops or convenience centers to accommodate large volumes of transient drivers occupying trucks, tractor trailers and other commercial vehicles.

Trucking or Motor Freight Convenience Center: A retail service establishment or convenience stop, whereas, food items, beverages, take-out only delicatessen, newspapers, magazines, incidental personal care items, automobile supplies, gasoline and/or diesel fuel, are principally sold to accommodate transient drivers occupying trucks, tractor trailers and other commercial vehicles.

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

Permanent Use: A permitted use conducted on a lot for more than one (1) year, provided the permanent use complies with all provisions of Upper Bern Township.

Seasonal Use: A permitted use conducted on a lot during certain defined segments of the year, provided the seasonal use complies with all provisions of Upper Bern Township.

Temporary Use: A permitted use conducted on a lot for less than a one (1) year period of time, provided the temporary use complies with all provisions of Upper Bern Township.

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

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

Private Utility: A utility, which is owned, operated or maintained by a private or independent utility provider for the purposes of providing sanitary sewage disposal, water supply, energy, telephone, or other utility services within a defined service area.

Public Utility: A utility, which is owned, operated or maintained by a public utility provider for the purposes of providing sanitary sewage disposal, water supply, energy, telephone, or other utility services within a defined service area.

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

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

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

Wagering Establishment or Gambling Establishment: A use which provides facilities or locations where persons assemble for the purpose of any activity involving lawful gambling or wagering, including, but not limited to, bingo, games of chance, thoroughbred racing, harness racing, or other lawful activities, games and devices at which money or other valuable items may be played for, stacked, or betted upon in accordance with certain rules and regulations, whereas, a reward, win or loss may occur as a result of the activity. All such wagering or gambling establishments shall comply with all pertinent operational requirements and laws of Upper Bern Township and the Commonwealth of Pennsylvania.

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

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

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

On-Lot Water Supply System: A water supply system, which transmits water from a source on the lot to one (1) dwelling, principal use or lot.

Community Water Supply System: A temporary water supply system which transmits from a common source to more than one (1) dwelling, principal use and/or lot within a single neighborhood. A community water supply system may be permitted on a temporary basis for developments, which are to be permanently serviced by a public water supply system. All such community water supply systems shall be designed to provide adequate pressure, distribution and storage for fire protection

Public or Municipal Water Supply System: A system of water collection, storage, transmission and delivery, which are to service a community, but not confined to a neighborhood. All such public or municipal water supply systems shall be designed to provide adequate pressure, distribution and storage for fire protection

Optional System Requirement: A special or unique use of land, which because of its waster supply needs may have the option to utilize on-lot water supply methods or connect to a private, community, public or municipal water supply system. The selected method for water supply shall be consistent with the provisions of Upper Bern Township and the Commonwealth of Pennsylvania.

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

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

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

Well Head Protection Overlay District: A conservation overlay of land and water, which include zones that are designated to protect groundwater that may influence a community water supply system or a municipal water supply system in accordance with Section 508 of this Zoning Ordinance.

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

Wetlands and Hydric Soil Overlay District: A conservation overlay of land and water, which include areas of wetlands, hydric soils and high water table soils with hydric components, as further defined and regulated under Section 503 of this Zoning Ordinance.

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

Woodlands: An area of land in which one (1) or more contiguous acres are mostly occupied or covered by mature trees (6 inches in caliper). The area of the woodlands shall be measured from the drip line of the outer trees.

Woodland Extraction: The clear cutting of mature trees (6 inches or more in caliper) to provide area for development on an individual lot.

Woodland Protection and Management Overlay District: A conservation overlay of woodlands and forested areas, which includes separate provisions for the following activities: woodland extraction and replacement; forestry, timber

harvesting, tree harvesting and logging; tree protection and replacement; and other activities, which are further defined and regulated under Section 505 of this Zoning Ordinance.

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

Front Yard: A yard extending the full width of the lot between a structure and the front lot line. On lots abutting more than one public street other than an alley the front yard requirement shall apply fronting each public street.

Rear Yard: A yard extending the full width of the lot between a structure and a rear lot line.

Side Yard: A yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

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

Zoning Hearing Board: The Upper Bern Township Zoning Hearing Board, as established and appointed by the Board of Supervisors to hear matters in accordance with this Zoning Ordinance.

Zoning Map: The Upper Bern Township Zoning Map.

Zoning Officer: The agent or official designated by the governing body to administer and enforce this Zoning Ordinance, as appointed by the Upper Bern Township Board of Supervisors.

Zoning Ordinance: The Upper Bern Township Zoning Ordinance of 2008, as adopted by the Upper Bern Township Board of Supervisors on January 28, 2008, as part of Upper Bern Township Ordinance 94-2008, as may be amended from time to time.