

ARTICLE 7

RESIDENTIAL LAND USE AND DEVELOPMENT REQUIREMENTS

Section 701: Statement of Intent

- (A) The intent of Article 7 is to develop certain land use and development requirements for the residential uses within Upper Bern Township. The provisions of Article 7 are intended to supplement and not replace the zoning district regulations, which are further specified under Article 4 of this Zoning Ordinance.
- (B) For the purposes of this Zoning Ordinance, “residential uses” shall include all single family detached dwelling units, single family semi-detached dwelling units, two family detached dwelling units, townhouse units, apartment units, condominiums, multi-family units, mobile homes, secondary housing, or other residential land use designation specified within under this Zoning Ordinance, whereas, primary occupancy for residential uses shall apply to the existing or proposed use.
- (C) The regulations established under Article 7 shall be subject to the interpretation of the Upper Bern Township Zoning Officer. Should a dispute arise concerning the interpretation of these supplementary regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

Section 702 Single Family Detached Residential Uses

- (A) Single family detached residential units, as defined under Article 2 of this Zoning Ordinance, are permitted within Upper Bern Township as follows:
 - (1) Permitted by right within the AP Zoning District, subject to the sliding scale formula provisions contained under Section 804.7 of this Zoning Ordinance.
 - (2) Permitted by right in the BMP, MDR, SV and RC Zoning Districts.
 - (3) Permitted by right in the BMP Zoning District, subject to the cluster design standards specified under Section 707 of this Zoning Ordinance.
 - (4) Permitted by right in the MDR Zoning District, subject to the cluster design standards specified under Section 708 of this Zoning Ordinance
- (B) All single family detached dwelling units shall be located on approved residential lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the single family detached residential unit is located or the appropriate development requirements specified by this Zoning Ordinance.
- (C) Where required to comply with the provisions established by Upper Bern Township, a subdivision plan and/or land development plan shall be submitted to Upper Bern Township for review and consideration, prior to the issuance of a building permit for a single family detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Subdivision and Land Development Ordinance.
- (D) All typical accessory uses and structures to a single family detached residential unit shall be permitted provided: they are located on the same lot as the single family detached unit; they are clearly subordinate to the single family detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified by Upper Bern Township.

Section 703: Single Family Semi-Detached Residential Uses

- (A) Single family semi-detached residential units, as defined under Article 2 of this Zoning Ordinance, are permitted by right within the MDR and SV Zoning Districts.
- (B) All single family semi-detached dwelling units shall be located on individually approved residential lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the single family semi-detached residential unit is located.
- (C) Each residential semi-detached unit shall be considered as a principal use and shall comply with the individual dimensional and utility requirements for a semi-detached unit. Each residential lot shall be accurately described by bearings and distances, which shall be recorded as a separate deed.
- (D) The common wall separating the residential semi-detached units shall be considered the common lot line, as extended from the front property line to the rear property line. The side yard setback requirements shall not apply to any part of the principal residential use, however, the side yard setback requirement for all accessory buildings and/or uses should be measured at least five (5) feet from the common lot line.
- (E) Where required to comply with the provisions established by Upper Bern Township, a subdivision plan and/or land development plan shall be submitted to Upper Bern Township for review and consideration, prior to the issuance of a building permit for a single family semi-detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Subdivision and Land Development Ordinance.
- (F) All typical accessory uses and structures to a single family semi-detached residential unit shall be permitted provided: they are located on the same lot as the single family semi-detached unit; they are clearly subordinate to the single family semi-detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified by Upper Bern Township.

Section 704: Two Family Detached Residential Uses

- (A) Two family detached residential units, as defined under Article 2 of this Zoning Ordinance, are permitted by conditional use within the SV Zoning District.
- (B) All two family detached dwelling units shall be located on approved residential lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the two family detached residential unit is located.
- (C) Each two family detached residential unit, which shall be contained within a residential lot meeting the dimensional requirements for two family detached residential units, which shall have separate utility connections to each residential unit. Each residential lot and unit shall be accurately described by defined parameters, which shall be recorded as a separate deed.
- (D) Where required to comply with the provisions established by Upper Bern Township, a subdivision plan and/or land development plan shall be submitted to Upper Bern Township for review and consideration, prior to the issuance of a building permit for a two family detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Subdivision and Land Development Ordinance.
- (E) All typical accessory uses and structures to a two family detached residential unit shall be permitted provided: they are located on the same lot as the two family detached unit; they are clearly subordinate to the two family detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified by Upper Bern Township.

Section 705: Multi-Family Townhouse Uses and Developments

- (A) Multi-family townhouse units, as defined under Article 2 of this Zoning Ordinance, are permitted by conditional use within the MDR and SV Zoning Districts.

- (B) All multi-family townhouse unit developments shall be designed in accordance with the following general design requirements:
 - (1) The minimum amount of land in the development shall be ten (10) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Supervisors shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the multi-family townhouse unit development can be strategically planned and designed as a townhouse community.
 - (2) All of the uses contained within the development shall be serviced by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
 - (3) All of the uses contained within the development shall be serviced by public water supply facilities or with an on-lot well with sufficient capacities. As part of the conditional use application, the applicant shall provide documentation or evidence that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
 - (4) The maximum permitted residential density (townhouse units per gross acre) for multi-family townhouse unit developments shall not exceed ten (10) townhouse units per gross acre.
 - (5) A minimum of fifty (50) percent of the gross area of the multi-family townhouse unit development shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.

- (C) The multi-family townhouse unit development shall be designed to comply with the following minimum and maximum dimensional requirements:
 - (1) The minimum width of a townhouse unit shall be 24 feet per unit.
 - (2) The building setback line should be established 30 feet from the right-of-way line or 40 feet from the curb line.
 - (3) The minimum building separation from other groups of townhouse units within the development shall be as follows:
 - (a) The separation shall be 40 feet when the townhouse unit groups are side to side.
 - (b) The separation shall be 50 feet when the townhouse unit groups are side to rear.
 - (c) The separation shall be 60 feet when the townhouse unit groups are rear to rear.
 - (4) All townhouse units within the development shall be located at least fifty (50) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (5) The number of townhouse units, attached in a common row, shall not exceed eight (8) attached townhouse units.

- (6) The maximum height of a townhouse unit shall be 35 feet. The maximum height may be increased to 45 feet or three (3) floors provided that a sprinkler system shall be installed, which has adequate pressure and supply for fire suppression and protection.
 - (7) No more than twenty-five (25) percent of the total area of the development shall be covered by buildings.
 - (8) No more than forty (40) percent of the total area of the development shall be covered by impervious surfaces.
- (D) The multi-family townhouse unit development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The development shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the conditional use plan utilizing the objective criteria and standards of Upper Bern Township relating to the proposed housing types, street locations and required infrastructure and their intended location within the site.
 - (2) A preliminary grading plan shall be developed identifying the limits of disturbance for all municipal site improvements within the multi-family townhouse unit development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (3) The applicant shall give special attention to the main entrance(s) to the multi-family development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development. A boulevard entrance shall be required unless otherwise approved by the Board of Supervisors as part of the conditional use application.
 - (4) A landscaping plan shall be submitted to Upper Bern Township for consideration as part of the conditional use application. Unless otherwise permitted by the Board of Supervisors as part of the conditional use application, the applicant shall provide three (3) new trees per townhouse unit. The trees should be a minimum caliper of three (3) inches in caliper and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The multi-family development shall provide a 25 foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Supervisors. The use of existing mature trees (6 inches in caliper, as measured 4 feet from the ground) is encouraged and may be utilized as part of the required buffer yard.
 - (6) Townhouse units shall be constructed utilizing mansards, gables and/or hip roofs as part of the architectural design. The front building lines or facade of any two (2) adjoining townhouse units shall be staggered or offset, so that each townhouse unit will have a minimum horizontal separation (front to back at full height) of two (2) feet.
 - (7) The common off-street parking areas and access drives shall be designed considering the provisions of Article 10 of this Zoning Ordinance as well as the following requirements:
 - (a) The parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.
 - (b) Common parking areas and access drives shall be located a minimum of twenty (20) feet from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of ten (10) feet from all street rights-of-way and exterior lot lines of the development.

- (c) The entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
 - (d) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) off-street parking spaces shall be accommodated in any one (1) parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under Section 915 of this Zoning Ordinance.
 - (e) Entrances to and exits from common parking areas shall be located a minimum of one hundred fifty (150) feet from the point of intersection of the nearest street curb lines.
- (8) Exterior storage areas for trash and rubbish shall be completely screened from view on three (3) sides by fencing and landscaping. All trash and rubbish shall be contained in vermin-proof containers.
- (E) The design of the land or water areas designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the development tract shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas exceeding twenty (20) percent in slope.
 - (3) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described under Upper Bern Township Subdivision and Land Development Ordinance.
 - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the conditional use application.
 - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
 - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
 - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the multi-family townhouse unit development containing no less than twenty-five (25) percent of the required open space.
 - (8) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the approved plan.
 - (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development;
 - (b) Dedicate the land encompassing the common open space to Upper Bern Township, who shall have the option to accept or refuse the land offered for dedication; or

- (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
- (10) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Upper Bern Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (F) In addition to the townhouse units, the proposed multi-family development may contain the following non-residential uses, provided they are considered as part of the conditional use application:
 - (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the multi-family townhouse unit development and which are owned and operated by the developer or homeowners association.
 - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the multi-family townhouse unit development.
 - (3) Active and passive recreation uses conducted on the areas designated as common open space.
- (G) As part of the conditional use application, the Upper Bern Township Board of Supervisors may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (H) Unless otherwise specified by the Upper Bern Township Board of Supervisors, a conditional use application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of Upper Bern Township. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.

Section 706: Multi-Family Apartment Uses and Developments

- (A) Multi-family apartment units, as defined under Article 2 of this Zoning Ordinance, are permitted by conditional use within the SV Zoning District.
- (B) All multi-family apartment unit developments shall be designed in accordance with the following requirements:
 - (1) The minimum amount of land in the development shall be ten (10) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Supervisors shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the multi-family apartment unit development can be planned and designed as a multi-family community.
 - (2) All of the uses contained within the development shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
 - (3) All of the uses contained within the development shall be serviced by public water supply facilities or with an on-lot well with sufficient capacities. As part of the conditional use application, the applicant shall provide documentation or evidence that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.

- (4) The maximum permitted residential density (apartment units per gross acre) for multi-family apartment unit developments shall be twelve (12) apartment units per gross acre.
 - (5) A minimum of sixty (60) percent of the gross area of the multi-family apartment unit development shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
- (C) The multi-family apartment unit development shall be designed to comply with the following minimum and maximum dimensional requirements:
- (1) The total number of individual apartment units contained within a single building shall not exceed twenty-five (25) apartment units.
 - (2) The building setback line should be established 50 feet from the right-of-way line or 60 feet from the curb line.
 - (3) The minimum building separation from other groups of apartment units within the development shall be as follows:
 - (a) The separation shall be 60 feet when the apartment unit groups are side to side.
 - (b) The separation shall be 70 feet when the apartment unit groups are side to rear.
 - (c) The separation shall be 80 feet when the apartment unit groups are rear to rear.
 - (4) The maximum length of any building occupying individual apartment units shall not exceed 160 feet.
 - (5) The maximum depth of any building occupying individual apartment units shall not exceed 80 feet.
 - (6) The maximum height of the building shall be 35 feet. The maximum height may be increased to 45 feet or three (3) floors provided that a sprinkler system shall be installed, which has adequate pressure and supply for fire suppression and protection.
 - (7) All apartment units within the development shall be located at least 60 feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (8) No more than twenty-five (25) percent of the total area of the development shall be covered by buildings.
 - (9) No more than forty (40) percent of the total area of the development shall be covered by impervious surfaces.
- (D) The multi-family apartment unit development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The development shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the conditional use plan utilizing the objective criteria and standards of Upper Bern Township relating to the proposed housing types, street locations and required infrastructure and their intended location within the site.
 - (2) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements within the multi-family apartment unit development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.

- (3) The applicant shall give special attention to the main entrance(s) to the multi-family development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development. A boulevard entrance shall be required unless otherwise approved by the Board of Supervisors as part of the conditional use application.
 - (4) A landscaping plan shall be submitted to Upper Bern Township for consideration as part of the conditional use application. Unless otherwise permitted by the Board of Supervisors as part of the conditional use application, the applicant shall provide three (3) new trees per apartment unit. The trees should be a minimum caliper of three (3) inches in caliper and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (5) The multi-family development shall provide a 25 foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Supervisors. The use of existing mature trees (6 inches in caliper, as measured 4 feet from the ground) is encouraged and may be utilized as part of the required buffer yard.
 - (6) Apartment units shall be constructed utilizing courtyards, common porticos, mansards, gables and/or hip roofs as part of the architectural design. Where feasible, the front building lines or facade of the common apartment building should be staggered or offset.
 - (7) The common off-street parking areas and access drives shall be designed considering the provisions of Article 10 of this Zoning Ordinance as well as the following requirements:
 - (a) The parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.
 - (b) Common parking areas and access drives shall be located a minimum of twenty (20) feet from all buildings and structures within the development. Common parking areas shall be a minimum of ten (10) feet from all street rights-of-way and exterior lot lines of the development.
 - (c) The entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
 - (d) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) off-street parking spaces shall be accommodated in any one (1) parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under Section 915 of this Zoning Ordinance.
 - (e) Entrances to and exits from common parking areas shall be located a minimum of one hundred fifty (150) feet from the point of intersection of the nearest street curb lines.
 - (8) Exterior storage areas for trash and rubbish shall be enclosed and screened from view on three (3) sides by fencing and landscaping. All trash and rubbish shall be contained in vermin-proof containers.
- (E) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of sixty (60) percent of the gross area of the development tract shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas exceeding twenty (20) percent in slope.

- (3) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described by the Upper Bern Township Subdivision and Land Development Ordinance.
 - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the conditional use application.
 - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
 - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
 - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the multi-family apartment unit development containing no less than twenty-five (25) percent of the required open space.
 - (8) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the approved plan.
 - (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development;
 - (b) Dedicate the land encompassing the common open space to Upper Bern Township, who shall have the option to accept or refuse the land offered for dedication; or
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (10) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Upper Bern Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (F) In addition to the proposed apartment units, the proposed multi-family development may contain the following non-residential uses, provided they are considered as part of the conditional use application:
- (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the multi-family apartment unit development and which are owned and operated by the developer or homeowners association.
 - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the multi-family apartment unit development.
 - (3) Active and passive recreation uses conducted on the areas designated as common open space
- (G) The owner of the apartment building shall provide Upper Bern Township with a list of tenants who reside within the apartment building. Any change in tenancy shall be reported to Upper Bern Township on a semi-annual basis.

- (H) As part of the conditional use application, the Upper Bern Township Board of Supervisors may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (I) Unless otherwise specified by the Upper Bern Township Board of Supervisors, a conditional use application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of Upper Bern Township. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.

Section 707: Cluster Design for the BMP Zoning District

- (A) The purpose of this section of the Zoning Ordinance is to provide development and design standards for Cluster Design for the BMP Zoning District. The objectives of these provisions are outlined as follows:
 - (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To efficiently utilize undeveloped land area and preserve open space along the Blue Mountain.
 - (6) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Joint Comprehensive Plan for Northern Berks County.
 - (7) To implement the goals and objectives of the Berks Count Conservation Zoning Incentive Program.
- (B) For the purposes of Section 707 of this Zoning Ordinance, Cluster Design for the BMP Zoning District shall also be referenced as “BMP cluster development”.
- (C) BMP cluster developments containing single family detached residential units, as further defined under Article 2 and permitted under the provisions of Section 707 of the Zoning Ordinance shall be permitted by right within the BMP Zoning District.
- (D) BMP cluster developments shall be designed in accordance with the following general design and eligibility requirements:
 - (1) The minimum amount of land in the development shall be twenty (20) contiguous acres of land, which shall owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Upper Bern Township shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the BMP cluster development can be strategically designed as a unified community.
 - (2) Single family dwelling units including their accessory structures and uses shall be permitted. Each residential lot shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.
 - (3) Each single family dwelling shall be served by on-lot sanitary sewage disposal systems. As part of the subdivision and land development plan application, the applicant shall provide evidence that soils and geologic conditions of the site are capable of accommodating primary and alternate on-lot sewage disposal systems for each lot within the development.

- (4) Each single family dwelling shall be served by on-lot water supply systems. As part of the subdivision and land development plan application, the applicant shall provide evidence that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
 - (5) A minimum of fifty (50) percent of the gross area of the BMP cluster development shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
 - (6) The maximum permitted base residential density provision for the BMP cluster development shall be 0.20 dwelling units per gross acre, which is equal to conventional subdivision in the BMP Zoning District.
- (E) Single family detached residential uses shall comply with the following minimum and maximum dimensional requirements:
- (1) The minimum net lot area for each individual residential lot shall be 2 acres.
 - (2) The minimum lot width for each individual residential lot shall be 150 feet.
 - (3) The minimum front yard setback shall be 50 feet. The Board of Supervisors may allow an architectural projection of 5 feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
 - (4) The minimum side yard setback shall be 20 feet, as measured on each side.
 - (5) The minimum rear yard setback shall be 30 feet.
 - (6) The maximum building height shall be 35 feet.
 - (7) The maximum building coverage shall be 10 percent for each lot.
 - (8) The maximum lot coverage shall be 20 percent for each lot.
 - (9) All proposed single family detached residential units within the development shall be located at least fifty (50) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
- (F) The BMP cluster development shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan shall be designed by the applicant considering all of the goals, objectives and design requirements of Section 707 of this Zoning Ordinance. The sketch plan shall show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan shall be required as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Where feasible, significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the BMP cluster development shall be set aside and maintained as common open space.

- (5) The proposed residential lots and dwelling units within the BMP cluster development shall have direct access to an existing or proposed public street.
 - (6) No more than three (3) residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
 - (7) No more than two (2) segments with 200 combined linear feet of road surface, as measured along the centerline of the road(s) within the BMP cluster development shall be constructed upon the areas defined as Category 2 or 3 Slopes.
 - (8) The applicant shall be responsible for designing, permitting and constructing of all on-site improvements that are required by Upper Bern Township to accommodate the proposed BMP cluster development.
 - (9) In addition to the interior parking spaces within garages, each single family detached residential lot within the BMP cluster development shall provide a minimum of two (2) off-street parking spaces contiguous to the garage and located no closer than ten (10) feet to the side lot line. The designated off-street parking spaces shall not exceed a grade of five (5) percent.
 - (10) The design requirements and specifications contained within the Upper Bern Township Subdivision and Land Development Ordinance shall be applied to the BMP cluster development as part of the application for a preliminary subdivision and land development plan.
- (G) The BMP cluster development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The BMP cluster development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) The applicant shall consider the effects of seasonal temperatures, hours of sunlight, prevailing winds from adjacent land uses, and/or consequences from existing zoning districts that could create adverse impacts associated with weather, noise and/or odor. As part of the subdivision and land development plan application, the applicant should comply with the following criteria:
 - (a) The applicant should incorporate measures, such as landscaping, buffering and screening to buffer existing land uses that may be construed as a nuisance due to noise or odor. As part of this requirement, the applicant should conduct an existing land use survey and zoning analysis to determine the extent to which such protective measures are appropriate.
 - (b) The applicant shall consider seasonal temperatures and hours of sunlight in the physical layout and design of the proposed streets within the BMP cluster development. As part of the subdivision and land development plan application, the applicant shall demonstrate that all proposed roads servicing the residential units within the BMP cluster development shall be designed strictly in accordance with the standards specified under the Upper Bern Township Subdivision and Land Development Ordinance. Design waivers concerning the internal street system shall only be considered where the applicant identifies protective measures designed to avoid traffic hazards to the general public and if those measures are endorsed by Upper Bern Township.
 - (3) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan.
 - (4) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the BMP cluster development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.

- (5) A landscaping plan shall be submitted to Upper Bern Township for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide three (3) new trees for each tree six (6) inches or more in caliper that is proposed to be removed in order to accommodate the required site improvements. The proposed trees should be a minimum caliper of two (2) inches in caliper and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (6) The BMP cluster development shall provide a 25 foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Supervisors. The use of existing mature trees (6 inches or more in caliper, as measured at breast height) is encouraged and may be utilized as part of the required buffer yard.
 - (7) The BMP cluster development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the subdivision and land development plan application the applicant shall comply with the following design requirements:
 - (a) The preliminary subdivision and land development plan shall incorporate, locate and identify within the development scenic vista points, which will remain after construction of the proposed residential dwellings, other permitted uses, and related site improvements, and which will provide visual amenities to the development. Vista points may include unobstructed views looking into the development from adjacent public roads and unobstructed views within the development, each incorporating open space and/or other preserved natural features. The number of vistas shall be dependent upon the final design of the development, the tract size, and natural land features, and shall be subject to the reasonable discretion of the Board based upon those factors; provided, approval shall not be withheld if the development meets the applicable objective criteria of this Zoning Ordinance.
 - (b) The applicant shall develop a plan to enhance each selected vista point by means of improving accessibility; creating pulpits or overlook points; providing pedestrian trails within common open space areas; establishing linkages to other recreation facilities or cultural resources within the common open space areas; integrating and improving historical structures; and/or creating protective habitats for environmentally sensitive areas. The design of enhancements to the vista points shall be subject to the approval of the Board of Supervisors.
- (H) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than twenty-five (25) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
 - (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
 - (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 100 feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the BMP cluster development containing no less than twenty-five (25) percent of the required open space.

- (6) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the approved plan.
 - (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development;
 - (b) Dedicate the land encompassing the common open space to Upper Bern Township, who shall have the option to accept or refuse the land offered for dedication; or
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
 - (8) Areas designated as common open space shall be subject to the approval of the Board of Supervisors.
 - (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Upper Bern Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (I) The BMP cluster development shall be designed in accordance with the following procedural requirements:
- (1) A sketch plan shall be designed by the applicant considering all of the goals, objectives and design requirements of Section 707 of this Zoning Ordinance. The sketch plan shall show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
 - (2) The sketch plan shall be required as a prerequisite to the formal submission of a preliminary subdivision and land development plan, which shall not be considered as an official plan submission in accordance with the provisions of Upper Bern Township and the Pennsylvania Municipalities Planning Code.
 - (3) The Upper Bern Township Planning Commission shall schedule a public meeting to conduct a site review of the area being considered for the BMP cluster development. The applicant shall be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
 - (4) Prior to the submission of the preliminary subdivision and land development plan, the Upper Bern Township Planning Commission and Zoning Officer shall issue recommendations concerning the sketch plan for the BMP cluster development.
 - (5) If a favorable recommendation has been issued by the Upper Bern Township Planning Commission and Zoning Officer, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by Upper Bern Township.
 - (6) If the preliminary subdivision and land development plan is approved by the Upper Bern Township Board of Supervisors, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by Upper Bern Township.
- (J) The Upper Bern Township Board of Supervisors may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

Section 708: Cluster Design for the MDR Zoning District

- (A) The purpose of this section of the Zoning Ordinance is to provide development and design standards for Cluster Design for the MDR Zoning District. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and infrastructure;
 - (2) To encourage innovative residential land development that will conserve open space.
 - (3) To protect environmentally sensitive areas and ecological habitats.
 - (4) To endorse smart growth techniques and conservation design practices.
 - (5) To efficiently utilize the land area and infrastructure around the Village of Shartlesville.
 - (6) To implement the recommendations concerning natural features, development, utilities, transportation, housing, and land use, as outlined within the Joint Comprehensive Plan for Northern Berks County.
 - (7) To implement the goals and objectives of the Berks Count Conservation Zoning Incentive Program.
- (B) For the purposes of Section 708 of this Zoning Ordinance, Cluster Design for the MDR Zoning District shall also be referenced as “MDR cluster development”.
- (C) MDR cluster developments containing single family detached residential units, as further defined under Article 2 and permitted under the provisions of Section 708 of the Zoning Ordinance shall be permitted by right within the MDR Zoning District.
- (D) MDR cluster developments shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land in the development shall be ten (10) contiguous acres of land, which shall owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. Upper Bern Township shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the MDR cluster development can be strategically designed as a unified community.
 - (2) Single family dwelling units including their accessory structures and uses shall be permitted. Each residential lot shall be located on land area that is most suitable for development in an effort to protect significant natural features and environmentally sensitive land areas.
 - (3) Each single family dwelling shall be served by public sanitary sewage disposal facilities. As part of the final subdivision and land development plan, the applicant shall reserve capacity for sanitary sewage disposal for each lot within the development.
 - (4) Each single family dwelling shall be served by public water supply facilities or with on-lot water supply systems with sufficient capacities. As part of the preliminary subdivision and land development plan application, the applicant shall provide evidence that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses within the development without adversely affecting other adjacent land uses.
 - (5) A minimum of fifty (50) percent of the gross area of the MDR cluster development shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.

- (6) Unless otherwise permitted, the maximum permitted base residential density provision for the MDR cluster development shall be 2.90 dwelling units per gross acre, which is equal to conventional subdivision within the MRD Zoning District.
- (E) Single family detached residential uses shall comply with the following minimum and maximum dimensional requirements:
- (1) The minimum net lot area for each individual residential lot shall be 15,000 square feet.
 - (2) The minimum lot width for each individual residential lot shall be 100 feet.
 - (3) The minimum front yard setback shall be 40 feet. The Board of Supervisors may allow an architectural projection of 5 feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
 - (4) The minimum side yard setback shall be 10 feet, as measured on each side.
 - (5) The minimum rear yard setback shall be 20 feet.
 - (6) The maximum building height shall be 35 feet.
 - (7) The maximum building coverage shall be 25 percent for each lot.
 - (8) The maximum lot coverage shall be 40 percent for each lot.
 - (9) All proposed single family detached residential units within the development shall be located at least thirty (30) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
- (F) A density bonus of 0.20 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this sub-section) achieved as part of the preliminary subdivision and land development plan application. The maximum permitted density bonus shall not exceed 1.0 dwelling unit per gross acre. As part of the preliminary subdivision and land development plan application, the Board of Supervisors may consider a density bonus for the following design objectives:
- (1) The MDR cluster development provides consideration for active recreation facilities on at least twenty-five (25) percent of the land area designated as open space within the MDR cluster development.
 - (2) The MDR cluster development provides for passive recreation, educational and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least twenty-five (25) percent of the land area designated as open space within the MDR cluster development.
 - (3) The MDR cluster development is designed as an adult or age-qualified community.
 - (4) The MDR cluster development is serviced by public water supply facilities or a community water supply system that could be converted an integrated into a public water supply system.
 - (5) The MDR cluster development is designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (6) The MDR cluster development provides additional open space areas beyond the minimum requirement of fifty (50) percent of the gross tract area, regardless of configuration, such that a 0.1 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the MDR cluster development. The maximum density bonus for this provision shall not exceed 0.5 dwelling units per acre.

- (7) The applicant agrees to fund and complete substantial public improvements to mitigate one or more off-site impacts of the development, such as public streets and intersections, public stormwater management and water or sewer improvements identified by the Board of Supervisors as a means to significantly reduce the need for public expenditures to resolve clear public needs associated to any degree with the proposed preliminary subdivision and land development plan development.
- (G) The density bonus provisions specified under Section 708(F) are directly related to the gross residential density of the tract. In order to accomplish this reduction, the Upper Bern Township Board of Supervisors may consider a reduction in the minimum lot area requirements, whereas, the required minimum lot area may be proportionately or incrementally reduced as specified under the provisions of Section 708(F) in order to meet the overall permitted gross residential density. In such cases, the required minimum lot area shall not be reduced below 10,000 square feet on net land area.
- (H) The MDR cluster development shall be designed in accordance with the following site design, planning and engineering considerations:
- (1) A sketch plan shall be designed by the applicant considering all of the goals, objectives and design requirements of Section 708 of this Zoning Ordinance. The sketch plan shall show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development. The sketch plan shall be required as a prerequisite to the formal submission of a preliminary subdivision and land development plan.
 - (2) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be reserved or designated as common open space. This shall be considered the initial step in the site design process.
 - (3) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas defined as Category 2 or 3 Slopes.
 - (4) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the MDR cluster development shall be set aside and maintained as common open space.
 - (5) The proposed residential lots and dwelling units within the MDR cluster development shall have direct access to an existing or proposed public street.
 - (6) MRD cluster developments containing twenty (20) or more residential lots shall be designed with a minimum of two (2) points of ingress and egress.
 - (7) No more than four (4) residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
 - (8) No more than two (2) segments with 200 combined linear feet of road surface, as measured along the centerline of the road(s) within the MDR cluster development shall be constructed upon the areas defined as Category 2 or 3 Slopes.
 - (9) The applicant shall be responsible for designing, permitting and constructing of all site improvements that are required by Upper Bern Township to accommodate the proposed MDR cluster development.
 - (10) The applicant shall give special attention to the main entrance(s) to the MDR cluster development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the MDR cluster development. A boulevard entrance should be considered by the Board of Supervisors as part of the preliminary subdivision and land development plan.
 - (11) In addition to the interior parking spaces within garages, each single family detached residential lot within the MDR cluster development shall provide a minimum of two (2) off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking spaces shall not exceed a grade of five (5) percent.

- (12) The design requirements and specifications contained within the Upper Bern Township Subdivision and Land Development Ordinance shall be applied to the MDR cluster development as part of the application for subdivision and land development plan approval.
- (I) The MDR cluster development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The MDR cluster development shall be designed with regard to the topographic, hydrologic, geologic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are protected and preserved to the extent that it is required to avoid unnecessary disturbance of land in an effort to implement the planning criteria and site design standards relating to the proposed housing types, street locations and required infrastructure.
 - (2) The applicant shall consider the effects of seasonal temperatures, hours of sunlight, prevailing winds from adjacent land uses, and/or consequences from existing zoning districts that could create adverse impacts associated with weather, noise and/or odor. As part of the preliminary subdivision and land development plan, the applicant should comply with the following criteria:
 - (a) The applicant should incorporate measures, such as landscaping, buffering and screening to buffer existing land uses that may be construed as a nuisance due to noise or odor. As part of this requirement, the applicant should conduct an existing land use survey and zoning analysis to determine the extent to which such protective measures are appropriate.
 - (b) The applicant shall consider seasonal temperatures and hours of sunlight in the physical layout and design of the proposed streets within the MDR cluster development. As part of the preliminary subdivision and land development plan, the applicant shall demonstrate that all proposed roads servicing the residential units within the MDR cluster development shall be designed strictly in accordance with the standards specified under the Upper Bern Township Subdivision and Land Development Ordinance. Design waivers concerning the internal street system shall only be considered where the applicant identifies protective measures designed to avoid traffic hazards to the general public and if those measures are endorsed by Upper Bern Township.
 - (3) A natural features plan shall be developed to identify the locations of floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features. The natural features plan shall be submission requirement for the submission of a sketch plan and a preliminary subdivision and land development plan application.
 - (4) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the MDR cluster development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, woodlands and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (5) A landscaping plan shall be submitted to Upper Bern Township for consideration as part of the preliminary subdivision and land development plan application. The applicant shall provide four (4) new trees for each proposed residential lot within the development. The proposed trees should be a minimum caliper of two (2) inches in caliper and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (6) The MDR cluster development shall provide a 20 foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Supervisors. The use of existing mature trees (6 inches in caliper, as measured 4 feet from the ground) is encouraged and may be utilized as part of the required buffer yard.
 - (7) The MDR cluster development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the preliminary subdivision and land development plan application the applicant shall comply with the following design requirements:

- (a) The preliminary subdivision and land development plan shall incorporate, locate and identify within the development scenic vista points, which will remain after construction of the proposed residential dwellings, other permitted uses, and related site improvements, and which will provide visual amenities to the development. Vista points may include unobstructed views looking into the development from adjacent public roads and unobstructed views within the development, each incorporating open space and/or other preserved natural features. The number of vistas shall be dependent upon the final design of the development, the tract size, and natural land features, and shall be subject to the reasonable discretion of the Board based upon those factors; provided, approval shall not be withheld if the development meets the applicable objective criteria of this Zoning Ordinance.
 - (b) The applicant shall develop a plan to enhance each selected vista point by means of improving accessibility; creating pulpits or overlook points; providing pedestrian trails within common open space areas; establishing linkages to other recreation facilities or cultural resources within the common open space areas; integrating and improving historical structures; and/or creating protective habitats for environmentally sensitive areas. The design of enhancements to the vista points shall be subject to the approval of the Board of Supervisors.
- (J) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the development shall be set aside and reserved as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than twenty-five (25) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (3) The common open space shall be planned and located as a contiguous accessible area within the development. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the plan.
 - (4) Significant natural features including floodplains, surface waters, wetlands, Category 2 and 3 Slopes, woodlands, rock outcroppings, and other significant features shall be incorporated into the overall design of the common open space.
 - (5) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 100 feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the MDR cluster development containing no less than twenty-five (25) percent of the required open space.
 - (6) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the approved plan.
 - (7) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development;
 - (b) Dedicate the land encompassing the common open space to Upper Bern Township, who shall have the option to accept or refuse the land offered for dedication; or
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.

- (8) The land areas designated as common open space shall be subject to the approval of the Board of Supervisors.
 - (9) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Upper Bern Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (K) The MDR cluster development shall be designed in accordance with the following procedural requirements:
- (1) A sketch plan shall be designed by the applicant considering all of the goals, objectives and design requirements of Section 708 of this Zoning Ordinance. The sketch plan shall show the tentative location of the lots, streets, stormwater management facilities as they relate to the natural features and environmentally sensitive areas present on the site of the development.
 - (2) The sketch plan shall be required as a prerequisite to the formal submission of a preliminary subdivision and land development plan., which shall not be considered as an official plan submission in accordance with the provisions of Upper Bern Township and the Pennsylvania Municipalities Planning Code.
 - (3) The Upper Bern Township Planning Commission shall schedule a public meeting to conduct a site review of the area being considered for the MDR cluster development. The applicant shall be required to provide a presentation of the proposed site improvements as they relate the natural features and environmentally sensitive areas present on the site of the development.
 - (4) Prior to the submission of the preliminary subdivision and land development plan application, the Upper Bern Township Planning Commission and Zoning Officer shall issue recommendations concerning the sketch plan for the MDR cluster development.
 - (5) If a favorable recommendation has been issued by the Upper Bern Township Planning Commission and Zoning Officer, a preliminary subdivision and land development plan application shall be submitted in accordance with the procedural requirements specified by Upper Bern Township.
 - (6) If the preliminary subdivision and land development plan is approved by the Upper Bern Township Board of Supervisors, a final subdivision and land development plan shall be submitted in accordance with the procedural requirements specified by Upper Bern Township.
- (L) The Upper Bern Township Board of Supervisors may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

Section 709: Group Homes

- (A) Group Homes, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception in the AP, BMP, MDR and SV Zoning Districts.
- (B) All group homes shall be located on approved lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the group home is located.
- (C) All group homes shall be designed in accordance with the following general standards and requirements:
 - (1) Unless otherwise directed by the Zoning Officer, a site plan or land development plan shall be accurately prepared to scale depicting the location and the dimensions of the group home, off-street parking areas, private entrances, walkways, fencing and landscaping.
 - (2) Unless otherwise directed by the Zoning Officer, architectural plans shall be prepared to scale depicting the dimensions, intended use and square footage of each room and storage area within the group home.

- (3) No group home shall be located within 1,000 linear feet of another group home, institutional use, family day care home and/or child day care center.
 - (4) One (1) off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees that could be present at any given time, plus one (1) space for each four (4) persons within the group home. Garage space shall not be used in calculating off-street parking.
 - (5) The premises at which the group home is located shall be owned or leased by the licensed social services agency sponsoring the group home.
 - (6) No more than two (2) live-in supervisors shall reside in a group home.
 - (7) The only physical changes or alterations to the dwelling shall be those required by state and federal law. When the group home use is abandoned, the dwelling shall be restored to a single-family dwelling unit.
 - (8) The sponsoring social service agency shall provide documentation to Upper Bern Township that all building, fire, plumbing, heating, electrical and similar facilities meet the standards established by the Upper Bern Township and by the Commonwealth of Pennsylvania.
 - (9) The sponsoring social service agency shall provide documentation to the Zoning Officer that the group home has been certified as an approved use within the Commonwealth of Pennsylvania.
 - (10) Although live-in supervision is not mandatory, the sponsoring social service agency shall provide documentation to Upper Bern Township that the social service agency shall provide the residents of the group home with the physical safety and emotional support that may be required. Based upon the needs of the residents of the group home, some form of immediate contact with a counselor should be available twenty-four hours per day, seven (7) days per week. Likewise, immediate contact with the sponsoring social service agency should be available to members to the authorized representatives of Upper Bern Township or members of the public who may be in need of the services if the group home.
 - (11) No group home shall have more than five (5) unrelated residents at any given time period.
 - (12) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to Upper Bern Township for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted and a copy shall be issued to the social workers and tenants of the group home.
- (D) As part of the special exception application, the Zoning Hearing Board may impose other requirements deemed necessary or appropriate.
- (E) The sponsoring social service agency shall provide Upper Bern Township with a list of tenants who reside within the group home. Any change in tenancy shall be reported to Upper Bern Township on a semi-annual basis.
- (F) All group homes shall be subject to an annual inspection by the Upper Bern Township Zoning Officer and Code Enforcement Officer.

Section 710: Age-Qualified Retirement Community

- (A) The purpose of this section of the Zoning Ordinance is to provide development standards for age-qualified retirement communities, containing single-family detached, townhouse residential units, and/or multi-family residential complex containing condominium units. The objectives of these provisions are outlined as follows:
- (1) To provide an optional approach for senior housing and community development with provisions to permit more efficient utilization of land and of community facilities and services.
 - (2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.

- (3) To efficiently utilize the remaining undeveloped land area within Upper Bern Township, while providing additional housing opportunities for persons over 55 years of age.
 - (4) To implement the recommendations concerning natural features, development, utilities, transportation, housing and land use, as outlined within the Comprehensive Plan.
- (B) Age-qualified retirement communities containing residential lots or units, as permitted under this section and further defined under Article 2 of this Zoning Ordinance, are permitted by conditional use within the MDR and RC Zoning Districts.
- (C) All age-qualified retirement communities shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land in the development shall be twenty (20) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Supervisors shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the single family residential age-qualified retirement community can be strategically designed as a unified community.
 - (2) All of the uses contained within the development shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
 - (3) All proposed uses contained within the development shall be served by public water supply facilities or with on-lot water supply systems with sufficient capacities. As part of the conditional use application, the applicant shall provide evidence that the quantity and quality of the water supply source will be sufficient to accommodate the uses within the development without adversely affecting other adjacent land uses.
 - (4) A minimum of fifty (50) percent of the gross area of the age-qualified retirement community shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this Zoning Ordinance.
 - (5) The age composition of the adult or age-qualified retirement community shall comply with the following qualifications and provisions:
 - (a) At least 80 percent of the total permanent occupants shall be over 55 years of age.
 - (b) At least one (1) person over 55 years of age shall be a permanent occupant of each residential unit.
 - (c) Temporary guests under 18 years of age may be permitted provided that the temporary occupancy does not exceed 30 cumulative days in any given calendar year.
 - (d) The applicant shall be required to develop and submit a homeowner's association agreement, which specifically outlines the age qualification requirements for the adult or age-qualified retirement community. The draft homeowner's association agreement shall be submitted to the Zoning Hearing Board as part of the special exception application. The finalized homeowner's association agreement shall be subject to the approval of the Board of Supervisors as part of the subdivision and land development plan.
 - (6) The maximum permitted base residential density for age-qualified retirement communities shall be 8.00 dwelling units per acre.

- (7) A density bonus of 0.20 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this sub-section) achieved as part of the conditional use application. The maximum permitted density bonus shall not exceed 1.0 dwelling unit per gross acre. As part of the conditional use application, the Board of Supervisors may consider a density bonus for the following design objectives:
- (a) The age-qualified retirement community provides additional consideration to on-site traffic, drainage and sanitary sewer improvements over and above what is otherwise required by ordinance, which are deemed necessary by Upper Bern Township to accommodate the residential density of the age-qualified retirement community.
 - (b) The age-qualified retirement community is serviced by public water supply facilities or a community water supply system that could be converted and integrated into a public water supply system.
 - (c) The age-qualified retirement community provides consideration for active recreation facilities on at least twenty-five (25) percent of the land area designated as open space within the age-qualified retirement community.
 - (d) The age-qualified retirement community provides for passive recreation, educational and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least twenty-five (25) percent of the land area designated as open space within the age-qualified retirement community.
 - (e) The age-qualified retirement community is designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (f) The age-qualified retirement community provides additional open space areas beyond the minimum requirement of fifty (50) percent of the gross tract area, regardless of configuration, such that a 0.1 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the development. The maximum density bonus for this provision shall not exceed 0.5 dwelling units per acre.
 - (g) The age-qualified retirement community is designed in an environmentally sensitive fashion that results in the preservation of mature trees, woodlands, steep slopes, floodplains and wetlands, such that a minimum of 70 percent of the gross area designated as open space shall not be disturbed by any site improvements and/or earth disturbance activities.
 - (h) The applicant agrees to fund and complete substantial public improvements to mitigate one or more off-site impacts of the development, such as public streets and intersections, public stormwater management and water or sewer improvements identified by the Board of Supervisors as a means to significantly reduce the need for public expenditures to resolve clear public needs associated to any degree with the proposed conditional use development.

(D) The following land uses shall be permitted uses within an age-qualified retirement community:

- (1) Single family detached residential uses, subject to the following minimum and maximum development requirements:
 - (a) The minimum net lot area for each individual residential lot shall be 6,000 square feet.
 - (b) The minimum lot width for each individual residential lot shall be 70 feet.
 - (c) The minimum front yard setback shall be 30 feet. The Board of Supervisors may allow an architectural projection of 5 feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
 - (d) The minimum side yard setback shall be 10 feet, as measured on each side.

- (e) The minimum rear yard setback shall be 20 feet.
 - (f) The maximum building height shall be 35 feet.
 - (g) The maximum building coverage shall be 40 percent for each lot.
 - (h) The maximum lot coverage shall be 60 percent for each lot.
 - (i) All proposed single family detached residential units within the development shall be located at least fifty (50) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
- (2) Townhouse units, subject to the following minimum and maximum development requirements:
- (a) The minimum width of a townhouse unit shall be 24 feet.
 - (b) The building setback line shall be 30 feet.
 - (c) The minimum building separation from other groups of townhouse units within the development shall be as follows: the separation shall be 40 feet when the townhouse unit groups are side to side; the separation shall be 50 feet when the townhouse unit groups are side to rear; and the separation shall be 60 feet when the townhouse unit groups are rear to rear.
 - (d) All townhouse units within the development shall be located at least fifty (50) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (e) The maximum number of townhouse units within an aged-qualified retirement community shall not exceed 50 percent of the total number of residential units within the overall development.
 - (f) The number of townhouse units, attached in a common row, shall not exceed eight (8) attached townhouse units provided that the front building lines or facades of any two adjoining townhouse units are offset by a minimum of two feet.
 - (g) The maximum height of a townhouse unit shall be 35 feet.
 - (h) No more than forty (40) percent of the designated area for the townhouse units shall be covered by buildings.
 - (i) No more than sixty (60) percent of the designated area for the townhouse units shall be covered by impervious surfaces.
- (3) Multi-family residential complex containing condominium units, subject to the following minimum and maximum development requirements:
- (a) The total number of individual residential units contained within a single complex or building shall not exceed thirty (30) condominium units.
 - (b) The building setback line should be established 50 feet from the right-of-way line or 60 feet from the curb line.
 - (c) The minimum building separation from other groups of buildings within the development shall be as follows: the separation shall be 60 feet when the buildings are side to side; the separation shall be 70 feet when the buildings are side to rear; and the separation shall be 80 feet when the buildings are rear to rear.
 - (d) The maximum length of any building occupying individual condominium units shall not exceed 200 feet.

- (e) The maximum depth of any building occupying condominium units shall not exceed 80 feet.
 - (f) The maximum height of the building shall be 35 feet. The maximum height may be increased to 45 feet or three (3) floors provided that a sprinkler system shall be installed, which has adequate pressure and supply for fire suppression and protection.
 - (g) The building occupying condominium units shall be limited to three (3) floors of living space and shall not exceed a building height of 45 feet.
 - (h) All condominium units within the development shall be located at least 100 feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (i) The maximum number of condominium units within an aged-qualified retirement community shall not exceed 70 percent of the total number of residential units within the overall development
 - (j) No more than twenty-five (25) percent of the total area of the development shall be covered by buildings occupying condominium units
 - (k) No more than forty (40) percent of the total area of the development shall be covered by impervious surfaces.
- (4) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the age-qualified retirement community and which are owned and operated by the developer or homeowners association.
 - (5) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the age-qualified retirement community.
 - (6) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under Section 805 of this Zoning Ordinance.
 - (7) Municipal uses.
 - (8) No impact home based business or occupation.
 - (9) Accessory buildings, structures and uses.
- (E) The age-qualified retirement community shall be designed in accordance with the following planning and engineering considerations:
- (1) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the age-qualified retirement community shall be set aside and maintained as common open space.
 - (2) The minimum lot area required for each residential use shall not include land areas that are classified as being within the 100-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way, and/or areas exceeding 20 percent in slope.
 - (3) The proposed residential lots and dwelling units within the age-qualified retirement community shall not have direct access to an existing public street.
 - (4) An Environmental Impact Assessment (EIA) Report shall be conducted and submitted as part of the conditional use application.
 - (5) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study shall be submitted with the conditional use application.

- (6) The applicant shall be responsible for designing, permitting and constructing of all on-site improvements that are required by the Upper Bern Township to accommodate the proposed age-qualified retirement community.
 - (7) In addition to the interior parking spaces within individual garages, each residential lot or unit within the age-qualified retirement community shall provide a minimum of one and one (1) off-street parking space to be located within the development.
- (F) The age-qualified retirement community shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The age-qualified retirement community shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the conditional use plan utilizing the objective criteria and standards relating to the proposed housing types, street locations and required infrastructure and their intended location within the site.
 - (2) The applicant shall consider the effects of seasonal temperatures, hours of sunlight, prevailing winds from adjacent land uses, and/or consequences from existing zoning districts that could create adverse impacts associated with weather, noise and/or odor. As part of the conditional use application, the applicant should comply with the following criteria:
 - (a) The applicant should incorporate measures, such as landscaping, buffering and screening to buffer existing land uses that may be construed as a nuisance due to noise or odor. As part of this requirement, the applicant should conduct an existing land use survey and zoning analysis to determine the extent to which such protective measures are appropriate.
 - (b) The applicant shall consider seasonal temperatures and hours of sunlight in the physical layout and design of the proposed streets within the age-qualified retirement community. As part of the conditional use application, the applicant shall demonstrate that all proposed roads servicing the residential units within the age-qualified retirement community shall be designed strictly in accordance with the standards specified by Upper Bern Township. Design waivers concerning the internal street system shall only be considered where the applicant identifies protective measures designed to avoid traffic hazards to the general public and if those measures are endorsed by Upper Bern Township.
 - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all improvements within the age-qualified retirement community, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
 - (4) The applicant shall give special attention to the main entrance(s) to the age-qualified retirement community. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the age-qualified retirement community. A boulevard entrance shall be required unless otherwise approved by the Board of Supervisors as part of the conditional use application.
 - (5) A landscaping plan shall be submitted to Upper Bern Township for consideration as part of the conditional use application. Unless otherwise permitted by the Board of Supervisors as part of the conditional use application, the applicant shall provide three (3) new trees per residential unit within the age-qualified retirement community. The trees should be a minimum caliper of three (3) inches in caliper and shall be planted either as street trees, as part of the buffer yard, or within the areas designated as common open space.
 - (6) The age-qualified retirement community shall provide a 25 foot wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Supervisors. The use of existing mature trees (6 inches in caliper, as measured 4 feet from the ground) is encouraged and may be utilized as part of the required buffer yard.

- (7) The residential units within the age-qualified retirement community should be designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (8) Exterior storage areas for trash and rubbish shall be completely screened from view on three (3) sides by fencing and landscaping. All trash and rubbish shall be contained in vermin-proof containers.
 - (9) The age-qualified retirement community shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the conditional use application the applicant shall comply with the following design requirements:
 - (a) The conditional use plan shall incorporate, locate and identify within the development scenic vista points, which will remain after construction of the proposed residential dwellings, other permitted uses, and related site improvements, and which will provide visual amenities to the development. Vista points may include unobstructed views looking into the development from adjacent public roads and unobstructed views within the development, each incorporating open space and/or other preserved natural features. The number of vistas shall be dependent upon the final design of the development, the tract size, and natural land features, and shall be subject to the reasonable discretion of the Board based upon those factors; provided, approval shall not be withheld if the development meets the applicable objective criteria of this Zoning Ordinance.
 - (b) The applicant shall develop a plan to enhance each selected vista point by means of improving accessibility; creating pulpits or overlook points; providing pedestrian trails within common open space areas; establishing linkages to other recreation facilities or cultural resources within the common open space areas; integrating and improving historical structures; and/or creating protective habitats for environmentally sensitive areas. The design of enhancements to the vista points shall be subject to the approval of the Board of Supervisors.
- (G) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the development tract shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas exceeding twenty (20) percent in slope.
 - (3) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the conditional use application.
 - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
 - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
 - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the age-qualified development containing no less than twenty-five (25) percent of the required open space.

- (8) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the approved plan.
- (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development;
 - (b) Dedicate the land encompassing the common open space to Upper Bern Township, who shall have the option to accept or refuse the land offered for dedication; or
 - (c) Dedicate the land encompassing the common open space to a conservation management group or non-profit organization that has the capacities and resources to adequately maintain the common open space.
- (10) The land areas designated as common open space shall be subject to the approval of the Board of Supervisors.
- (11) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Upper Bern Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (H) As part of the conditional use application, the Upper Bern Township Board of Supervisors may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.
- (J) Unless otherwise specified by the Upper Bern Township Board of Supervisors, a conditional use application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of Upper Bern Township. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.

Section 711: Tourist, Bed and Breakfast, Rooming or Boarding House

- (A) Tourist and bed and breakfast, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception within the AP, BMP, SV and RC Zoning Districts. All tourist or bed and breakfast establishments shall be designed in accordance with the following general design requirements:
 - (1) A tourist or bed and breakfast establishment shall be contained within a single-family detached, owner-occupied dwelling unit. The principal use shall remain that of a single-family detached residential dwelling unit.
 - (2) All tourist or bed and breakfast establishments shall be located on approved lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are specified by the appropriate zoning district to which the tourist or bed and breakfast establishment is located.
 - (3) The owner of the rooming or boarding house shall be a permanent resident of the establishment.
 - (4) A tourist or bed and breakfast establishments shall not have more than five (5) rental units and shall not house more than ten (10) guests.
 - (5) The principal residential use or single family dwelling shall contain complete sanitary sewage disposal services, washing and bathing facilities, and a central kitchen with partial or complete cooking facilities to accommodate the occupants plus all of the guests. No cooking facilities of any kind shall be permitted in any rental units.

- (6) The applicant shall provide documentation to the Zoning Hearing Board, Zoning Officer and Code Enforcement Officer that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer, and similar facilities comply with all applicable ordinances, regulations and laws of Upper Bern Township, Berks County and/or the Commonwealth of Pennsylvania.
 - (7) Meals shall only be offered only to registered overnight guests.
 - (8) A minimum of one (1) off-street parking space shall be required for each permanent occupant of the house plus one (1) space for each of the rental units. The proposed off-street parking spaces shall be located at least twenty-five (25) feet from all property lines and shall comply with the design requirements specified by this Zoning Ordinance. The off-street parking spaces shall be screened from the roadways and other adjacent properties with suitable landscaping materials.
 - (9) All external amenities provided for the guests, including swimming pools, whirlpool spas, tennis courts, gazebos, entertainment areas, and other common facilities shall be located at least 50 feet from all property lines.
 - (10) Non-resident employees shall be limited to two (2) employees.
 - (11) A single decorative on-site sign, measuring four (4) square feet per side shall be permitted for the rooming or boarding house establishment. The proposed sign shall be subject to all other requirements specified by this Zoning Ordinance.
 - (12) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to Upper Bern Township for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted and a copy shall be issued to the guests.
 - (13) The resident owner shall maintain a guest register list, which shall include the names, addresses and length of stay of all guests.
 - (14) The length of stay for any guest at a rooming or boarding house establishment shall not exceed fourteen (14) consecutive days.
- (B) Rooming or boarding houses, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception within the AP, BMP and SV Zoning Districts. All rooming or boarding house establishments shall be designed in accordance with the following general design requirements:
- (1) A rooming or boarding house establishments shall be contained within a single-family detached, owner-occupied dwelling unit. The principal use shall remain that of a single-family detached residential dwelling unit.
 - (2) All rooming or boarding house establishments shall be located on approved lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the rooming or boarding house establishments is located.
 - (3) The owner of the rooming or boarding house shall be a permanent resident of the establishment.
 - (4) The minimum land area required to facilitate rooming or boarding house shall be equal or exceed the provisions for a single family dwelling unit for the zoning district to which the use is located.
 - (5) A rooming or boarding house establishment shall not have more than two (2) rental units and shall not house more than five (5) unrelated occupants.

- (6) The principal residential use or single family dwelling shall contain complete sanitary sewage disposal services, washing and bathing facilities, and a central kitchen with complete cooking facilities to accommodate the occupants. No cooking facilities of any kind shall be permitted in any rental units.
 - (7) The applicant shall provide documentation to the Zoning Hearing Board, Zoning Officer and Code Enforcement Officer that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer, and similar facilities comply with all applicable ordinances, regulations and laws of Upper Bern Township, Berks County and/or the Commonwealth of Pennsylvania.
 - (8) A minimum of two (2) off-street parking spaces shall be required for the single family dwelling plus one (1) space for each of the rental units. The proposed off-street parking spaces shall comply with the design requirements specified by this Zoning Ordinance.
 - (9) No signs shall be permitted to advertise or identify the location of a rooming or boarding house.
 - (10) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to Upper Bern Township for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted and a copy shall be issued to the guests.
 - (11) The resident owner shall maintain a guest register list, which shall include the names, addresses and length of stay of all guests.
 - (12) The resident owner shall provide Upper Bern Township with a list of tenants who reside within the rooming or boarding house. Any change in tenancy within the house shall be reported to Upper Bern Township on a semi-annual basis.
- (C) All tourist, bed and breakfast, rooming or boarding houses shall be subject to an annual inspection by the Upper Bern Township Zoning Officer and/or Code Enforcement Officer.
 - (D) As part of the special exception application, the Zoning Hearing Board may impose other requirements deemed necessary or appropriate.

Section 712: Mobile Home Parks

- (A) Mobile home parks, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception within the RC Zoning District.
- (B) All mobile home parks shall be designed in accordance with the following design and eligibility requirements:
 - (1) The mobile home park shall consist of a minimum contiguous land area of twenty-five (25) acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Supervisors may consider parcels of land that are physically separated by public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the mobile home park can be strategically designed as a unified community.
 - (2) The mobile home park shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
 - (3) The mobile home park shall be served by public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all municipal agreements.

- (4) A minimum of fifty (50) percent of the land area within the mobile home park shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
 - (5) The mobile home park shall be designed with regard to the topographic and natural features of the site. All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping whenever possible. The finished topography shall adequately facilitate the mobile home park without excessive earthmoving and neglect for the natural amenities.
 - (6) The mobile home park shall not exceed eight (8) dwelling units per gross acre.
- (C) The mobile homes located within the mobile home park shall be located on individual lots or lease areas and shall be designed to comply with the following dimensional requirements:
- (1) The minimum net lot area or net lease area for each individual mobile home shall be 4,000 square feet.
 - (2) The minimum lot width for each individual mobile home lot or lease area shall be 60 feet.
 - (3) The minimum front yard setback shall be 20 feet.
 - (4) The minimum side yard setback shall be 10 feet, as measured on each side.
 - (5) The minimum rear yard setback shall be 20 feet.
 - (6) The maximum lot coverage shall be 80 percent for each lot or lease area.
 - (7) All proposed mobile homes within the mobile home park shall be located at least fifty (50) feet from any property line or property, which is not owned by the applicant in pre-development conditions.
 - (8) No structure shall be constructed on or within fifty (50) feet of any land or water areas designated as floodplains, wetlands, hydric soils, and slopes exceeding 20 percent in grade.
 - (9) No more than one (1) mobile home shall be placed on a mobile home lot or lease area, and such mobile home shall be occupied by not more than one (1) single family.
 - (10) The minimum separation distance for mobile homes shall be twenty (20) feet.
- (D) All mobile home parks shall be subject to the following development and procedural requirements:
- (1) The mobile home park shall provide an evergreen planting screen at least twenty (20) feet in depth along the property line at the periphery of the development.
 - (2) No part of the mobile home park shall be used to accommodate other than the uses permitted under this section of the Zoning Ordinance.
 - (3) There shall be at least one (1) street within the mobile home park, which serves as an internal collector street from which minor streets shall turn out so as to provide direct access to each mobile home lot or lease area. All streets shall be designed and constructed to comply with all pertinent specification adopted by Upper Bern Township.
 - (4) All entrances shall conform to the standards of the Pennsylvania Department of Transportation and Upper Bern Township. A Traffic Impact Study should be prepared to assess the needs for on-site and off-site traffic improvements, which may be required to facilitate the mobile home park. The Traffic Impact Study shall be submitted to Upper Bern Township for review and consideration as part of the overall development plan.

- (5) A minimum of two (2) off-street parking spaces measuring ten (10) feet by twenty (20) feet shall be provided for each mobile home lot or lease area. A common off-street parking area may be designed to accommodate the required off-street parking requirements and/or to provide additional spaces for overflow parking spaces. No on-street parking shall be permitted within the mobile home park.
 - (6) Each mobile home space shall be provided with a hard surfaced mobile home stand providing a foundation wall and/or footing that shall comply with the specifications of the manufacturer and meets the code requirements of Upper Bern Township.
 - (7) All mobile homes shall be located, erected and anchored in accordance with all applicable standards and provisions specified by Upper Bern Township and/or the manufacturers specifications.
 - (8) Each mobile home stand shall be equipped with utility connections. For reasons of safety, the space between the mobile home stand and the mobile home floor shall be permanently enclosed to prevent unauthorized entry and to conceal all supports and utility connections. Each stand shall be located at such elevation, distance and angle in relation to the access street and mobile home accessory that the placement and removal of the mobile home is practical.
 - (9) The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.
 - (10) Every mobile home and open space areas shall have access to an improved public or private street.
 - (11) A subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration.
 - (12) Unless otherwise required by the utility provider, all public utility services shall be underground within the mobile home park.
 - (13) Exterior storage areas for refuse stations shall be properly screened from the view of all mobile homes within the mobile home park and from adjacent property owners. All containers shall be air-tight, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste. The mobile home park shall have a solid waste management plan.
 - (14) All mobile home parks containing twenty-five (25) or more mobile homes shall employ the services of a qualified manager. The manager shall reside at the mobile home park and shall be responsible for the operation and maintenance of the park.
 - (15) The owner or manager of the mobile home park shall provide Upper Bern Township with a list of tenants who reside within the mobile home park. Any change in tenancy shall be reported to Upper Bern Township on a semi-annual basis.
 - (16) The Upper Bern Township Zoning Officer and Code Enforcement Officer shall have the right to inspect the mobile home park to determine if compliance with the provisions of Upper Bern Township.
- (E) The design of the land or water areas, which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of fifty (50) percent of the gross area of the mobile home park shall be set aside as common open space, which shall be perpetually preserved and deed to restrict future residential development or other uses that may conflict with the integrity of the common open space.
 - (2) No more than fifty (50) percent of the common open space shall be located on lands within areas that are located within the 100-year floodplain, areas delineated as wetlands and/or areas exceeding twenty (20) percent in slope.
 - (3) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.

- (4) The common open space shall be planned and located as a contiguous accessible area within the mobile home park. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of the special exception application.
 - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
 - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
 - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the mobile home park containing no less than twenty-five (25) percent of the required open space.
 - (8) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the approved plan.
 - (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall retain ownership of the land encompassing the common open space areas.
 - (10) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified by Upper Bern Township, whereas, the applicant shall be responsible for all requirements for recreation impact fees associated with this development.
- (F) In addition to the permitted mobile homes, the proposed mobile home park may contain the following non-residential uses, provided they are considered as part of the conditional use application:
- (1) Office space consisting of no more than 8,000 square feet and utilized for the purposes of conducting customary business, management, sales, meetings, laundry facilities, storage, and/or maintenance, which are directly associated with the mobile home park.
 - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the mobile home park.
 - (3) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified under Section 805 of this Zoning Ordinance.
 - (4) Municipal uses.
 - (5) No impact home based business or occupation.
 - (6) Accessory buildings, structures and uses.
- (G) The owner shall provide Upper Bern Township with a list of tenants who reside within the mobile home park. Any change in tenancy within the house shall be reported to Upper Bern Township on a semi-annual basis.
- (H) Mobile home parks that do not conform with the provisions specified as of the effective date of this Zoning Ordinance shall be considered nonconforming and subject to the provisions of Article 12 of this Zoning Ordinance.
- (I) As part of the conditional use application, the Upper Bern Township Board of Supervisors may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

- (J) Unless otherwise specified by the Upper Bern Township Board of Supervisors, a conditional use application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of Upper Bern Township. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.

Section 713: Mixed-Use Commercial and Residential Uses

- (A) Mixed-uses containing commercial and residential uses, as defined under Article 2 of this Zoning Ordinance, are permitted by conditional use within the SV and RC Zoning Districts.
- (B) Mixed-uses containing combined commercial and residential uses shall be designed in accordance with the following general design requirements:
- (1) The mixed-uses shall be limited to uses permitted by right within the SV and RC Zoning Districts and the residential rental units or apartments.
 - (2) The first floor of the mixed-use structure shall be limited to commercial uses, which shall be considered as the principal use that is owned and managed by the owner of the permitted commercial use.
 - (3) The second floor of the mixed-use structure shall contain no more than two (2) residential rental units or apartment units, which shall be considered subordinate uses to the first floor commercial use.
 - (4) The principal and subordinate uses within the mixed-use structure shall have separate utility connections for sanitary sewage disposal, water supply, electric, telephone, natural gas and cable services.
 - (5) The minimum net land area required to facilitate a mixed-use structure shall be 30,000 square feet. The minimum and maximum dimensional requirements for mixed-use structures are further defined under the provisions of the SV and RC Zoning Districts.
 - (6) The residential rental units or apartment units shall contain separate sanitary sewage disposal services, washing and bathing facilities, and a kitchen with cooking facilities to accommodate the tenants.
 - (7) The collection of solid waste and recyclable materials shall be a consolidated method between the uses and shall be the responsibility of the commercial use.
 - (8) The applicant shall provide documentation to the Board of Supervisors, Zoning Officer and Code Enforcement Officer that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer, and similar facilities comply with all applicable ordinances, regulations and laws of Upper Bern Township, Berks County and/or the Commonwealth of Pennsylvania.
 - (9) Parking spaces shall be required to accommodate the commercial or principal use of the mixed-use structure and for each residential rental unit or apartment unit. A plan for parking shall be submitted as part of the conditional use application.
 - (10) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event. The emergency management plan should be submitted to Upper Bern Township for review and consideration prior to the issuance of the use and occupancy permit. The emergency management plan shall be posted and a copy shall be issued to the tenants of the residential rental units or apartment units.
- (C) All mixed-uses shall be subject to an annual inspection by the Zoning Officer and Code Enforcement Officer.
- (D) The owner shall provide Upper Bern Township with a list of tenants who reside within the rental units or apartment units. Any change in tenancy within the house shall be reported to Upper Bern Township on a semi-annual basis.
- (E) As part of the conditional use application, the Upper Bern Township Board of Supervisors may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

- (F) Unless otherwise specified by the Upper Bern Township Board of Supervisors, a conditional use application and land development plan application may run concurrently in order for the applicant to gain a complete technical review under the provisions of Upper Bern Township. The applicant shall be responsible for the submitting a complete application in advance of the required submission dates.

Section 714: Secondary Housing Unit

- (A) The term “secondary housing unit”, as defined under Article 2 of this Zoning Ordinance, shall include ECHO housing, guest houses, accessory apartments for relatives, security guard housing and migrant farm housing.
- (B) The provisions for ECHO housing are further specified under Section 714.1 of this Zoning Ordinance.
- (C) The provisions for guest houses are further specified under Section 714.2 of this Zoning Ordinance.
- (D) The provisions for accessory apartments for relatives are further specified under Section 714.3 of this Zoning Ordinance.
- (E) The provisions for security guard housing are further specified under Section 714.3 of this Zoning Ordinance.
- (F) The provisions for migrant farm housing are further specified under Section 714.4 of this Zoning Ordinance.

Section 714.1: ECHO Housing

- (A) An ECHO house, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AP and BMP Zoning Districts.
- (B) ECHO housing units shall comply with the following general design requirements:
 - (1) The ECHO house shall be located on an approved lot, which complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the ECHO house is temporarily located.
 - (2) An ECHO house shall be considered as an additional or accessory dwelling unit that is temporarily placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling, which shall be contained within a permitted single-family detached, owner-occupied dwelling unit. The principal use shall remain that of a single-family detached residential dwelling unit.
 - (3) The ECHO housing unit shall be occupied by a maximum of two (2) people.
 - (4) The ECHO unit may not have a gross floor area in excess of 1,200 square feet, including any enclosed garage and basement area.
 - (5) The total lot coverage of the lot accommodating the principal use and the ECHO housing unit shall not exceed twenty (20) percent of the total lot area.
 - (6) All utility provisions, including sewage disposal and water supply that serve the ECHO housing unit shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or utilized. All such utility connections shall comply with the provisions of Upper Bern Township and/or the public utility provider providing service.
 - (7) The applicant shall provide evidence to the Zoning Hearing Board that existing on-lot sewage disposal system and well have sufficient capacities to accommodate the principal building plus the ECHO house. Where appropriate, the Upper Bern Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer shall review the existing and proposed utility connection.

- (8) In addition to the number of off-street parking spaces required to accommodate the principal use, a minimum of one (1) off-street parking space shall be required for the ECHO house, which shall be designed with unrestricted access to the public street.
- (9) The ECHO unit shall be located only in the side or rear yards of the principal use, and shall conform to all side and rear yard setback requirements for principal uses, as required for the AP or BMP Zoning District.
- (C) Upon the proper installation of an ECHO housing unit, the Zoning Officer shall issue a temporary zoning permit, which shall be reviewed every five (5) years until such time as the ECHO unit is required to be removed. Unless otherwise permitted by the Zoning Hearing Board, as part of the special exception application, an ECHO house may be permitted for a period of time not to exceed five (5) years.
- (D) The ECHO housing unit shall be removed from the property within six (6) months after the ECHO house is no longer occupied by a person who qualifies for the use.
- (E) All ECHO houses shall be subject to an annual inspection by the Upper Bern Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer.

Section 714.2 Guest Houses

- (A) A guest house, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AP and BMP Zoning Districts.
- (B) A guest house shall comply with the following general design requirements:
 - (1) The guest house shall be located on an approved lot, which complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the guest house is located.
 - (2) A guest house shall be considered as an accessory use that is placed on a property for temporary occupancy by a relative or guest of the occupants of the principal dwelling, which shall be a contained within a permitted single-family detached, owner-occupied dwelling unit. Unless otherwise subdivided in accordance with the provisions of Upper Bern Township, the principal use shall remain that of a single-family detached residential dwelling unit and the guest house shall be an accessory use.
 - (3) The guest house shall not be occupied by guests or relatives for a period of time not to exceed sixty (60) consecutive days at any given time nor a total of one hundred and twenty (120) cumulative days during a calendar year.
 - (4) The guest house shall be occupied by a maximum of four (4) people.
 - (5) The guest house may be utilized by the occupants of the principal use as a bath house for a permitted swimming pool.
 - (6) The guest house may not have a gross floor area in excess of 1,500 square feet, including any enclosed garage and basement area.
 - (7) The total lot coverage of the lot accommodating the principal use and guest house shall not exceed twenty (20) percent of the total lot area.
 - (8) All utility provisions, including sewage disposal and water supply that serve the guest house shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or utilized. All such utility connections shall comply with the provisions of Upper Bern Township and/or the public utility provider providing service.
 - (9) The applicant shall provide evidence to the Zoning Hearing Board that existing on-lot sewage disposal system and well have sufficient capacities to accommodate the principal building plus the guest house. Where appropriate, the Upper Bern Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer shall review the existing and proposed utility connection.

- (10) In addition to the number of off-street parking spaces required to accommodate the principal use, a minimum of one (1) off-street parking space shall be required for the guest house, which shall be designed with unrestricted access to the public street.
- (11) The guest house shall be installed and located only in the side or rear yards of the principal use, and shall conform to all side and rear yard setback requirements for principal uses, as required for the AP or BMP Zoning District.
- (C) Upon construction of the guest house, the Zoning Officer shall issue a zoning permit, which shall be reviewed every five (5) years to determine compliance with the decision of the Zoning Hearing Board.

Section 714.3 Accessory Apartments for Relatives

- (A) An accessory apartment for relatives, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AP, BMP and MDR Zoning Districts.
- (B) An accessory apartment for relatives shall comply with the following general design requirements:
 - (1) The accessory apartment for relatives shall be considered an attached component or living area of a permitted single-family dwelling on an approved lot, which complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the accessory apartment for relatives is located.
 - (2) An accessory apartment for relatives shall be considered as an accessory use to the single-family dwelling, which shall only be utilized by the relatives of the occupants of the single-family dwelling.
 - (3) The accessory apartment for relatives shall be occupied by a maximum of two (2) people.
 - (4) The accessory apartment for relatives may not have a gross floor area in excess of 1,000 square feet of living space, which may include a living room, kitchen, bedroom and bathroom.
 - (5) All utility provisions, including sewage disposal and water supply that serve the accessory apartment for relatives shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or utilized. All such utility connections shall comply with the provisions of Upper Bern Township and/or the public utility provider providing service.
 - (6) The applicant shall provide evidence to the Zoning Hearing Board that existing on-lot sewage disposal system and well have sufficient capacities to accommodate the principal building plus the accessory apartment for relatives. Where appropriate, the Upper Bern Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer shall review the existing and proposed utility connection.
 - (7) In addition to the number of off-street parking spaces required to accommodate the principal use, a minimum of one (1) off-street parking space shall be required for the accessory apartment for relatives, which shall be designed with unrestricted access to the public street.
 - (8) The entrance and living area associated with the accessory apartment may either be designed with common areas to the principal use or physically separated from the principal use.
- (C) Upon construction of the accessory apartment for relatives, the Zoning Officer shall issue a zoning permit, which shall be reviewed every five (5) years to determine compliance with the decision of the Zoning Hearing Board.
- (D) Upon the abandonment of the accessory apartment for relatives as an accessory or independent use, the area occupied by the accessory apartment must be converted back to common living space with the principal use. Any physical separation or barriers must be removed as part of the conversion. A plan for the eventual conversion shall be provided to the Zoning Hearing Board as part of the special exception application.

- (E) As part of the special exception application, the Upper Bern Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

Section 714.4 Security Guard Housing

- (A) Security guard housing, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the RC, GI and AI Zoning Districts.
- (B) Security guard housing shall comply with the following general design requirements:
 - (1) Security guard housing shall be located on an approved lot with a permitted non-residential use, which complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the security guard housing is located.
 - (2) Security guard housing shall be considered as an accessory use that is placed on a non-residential property for occupancy by either an owner, employee, night watchman or security person, which shall be contained within a single-family detached dwelling unit that complies with the building codes of Upper Bern Township. The principal use shall remain that of the permitted non-residential use.
 - (3) The security guard housing shall be clearly subordinate and essential for the permitted non-residential use.
 - (4) The security guard housing shall be occupied by a maximum of two (2) people.
 - (5) The security guard housing may not have a gross floor area in excess of 1,500 square feet of living space.
 - (6) The total lot coverage of the lot accommodating the principal non-residential use and the security guard housing shall not exceed sixty (60) percent of the total lot area.
 - (7) All utility provisions, including sewage disposal and water supply that serve the security guard housing shall be physically connected to those systems serving the permitted non-residential use. No separate utility systems or connections shall be constructed or utilized. All such utility connections shall comply with the provisions of Upper Bern Township and/or the public utility provider providing service.
 - (8) The applicant shall provide evidence to the Zoning Hearing Board that existing on-lot sewage disposal system and well have sufficient capacities to accommodate the principal non-residential use plus the security guard housing. Where appropriate, the Upper Bern Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer shall review the utility connections.
 - (9) In addition to the number of off-street parking spaces required to accommodate the principal use, a minimum of one (1) off-street parking space shall be required for the security guard housing, which shall be designed with unrestricted access to the public street.
 - (10) The security guard housing shall be located to conform to all front, side and rear yard setback requirements for the permitted non-residential use, as required for the RC, GI and AI Zoning District.
- (C) Upon construction of the security guard housing, the Zoning Officer shall issue a zoning permit, which shall be reviewed every five (5) years to determine compliance with the decision of the Zoning Hearing Board.
- (D) Upon the abandonment of the security guard housing as an accessory use, the residential building must be either removed from the property or converted to an accessory non-residential building of the principal use on the property.
- (E) As part of the special exception application, the Upper Bern Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.

Section 714.5 Migrant Farm Housing

- (A) Migrant farm housing, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AP and AI Zoning Districts.
- (B) Migrant farm housing units shall comply with the following general design requirements:
- (1) Migrant farm housing shall be located on a approved lot with permitted agricultural uses, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the migrant farm housing is temporarily located.
 - (2) Migrant farm housing shall be considered as accessory dwelling units that are temporarily placed on a property for occupancy by migrant farm workers employed by the owners of the land to which the farm-related activities are conducted. The principal use shall remain that of the permitted agricultural use and farmstead. The dwelling shall comply with the appropriate building codes.
 - (3) Migrant farm housing shall not exceed three (3) temporary dwellings, which shall not be occupied by more than twelve (12) migrant workers.
 - (4) Each migrant farm housing unit may not have a gross floor area in excess of 1,200 square feet, including any enclosed garage and basement area.
 - (5) The total lot coverage of the lot accommodating the principal uses and the migrant farm housing units shall not exceed twenty (20) percent of the total lot area.
 - (6) All utility provisions, including sewage disposal and water supply that serve the migrant farm housing units shall be physically connected to those systems serving the principal dwelling or an approved alternate systems. All such utility connections shall comply with the provisions of Upper Bern Township and/or the public utility provider providing service.
 - (7) The applicant shall provide evidence to the Zoning Hearing Board that the on-lot sewage disposal system and well have sufficient capacities to accommodate the principal building plus the migrant farm housing units. Where appropriate, the Upper Bern Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer shall review the existing and proposed utility connections.
 - (8) In addition to the number of off-street parking spaces required to accommodate the principal use, a minimum of one (1) off-street parking space shall be required for each migrant farm housing unit, which shall be designed with unrestricted access to the public street.
 - (9) Migrant farm housing shall be installed and located only in the side or rear yards, and shall conform to all side and rear yard setback requirements for principal uses, as required for the AP or AI Zoning District.
- (C) Upon the proper installation of a migrant farm housing unit, the Zoning Officer shall issue a temporary zoning permit, which shall be reviewed every five (5) years until such time as the migrant farm housing is required to be removed. Unless otherwise permitted by the Zoning Hearing Board, migrant farm housing may be permitted for a period of time not to exceed five (5) years.
- (D) Unless otherwise permitted by Upper Bern Township, the migrant farm housing units shall be removed from the property within one (1) year after the migrant farm housing unit is no longer occupied by a person who qualifies for the use.
- (E) All migrant farm housing units shall be subject to an annual inspection by the Upper Bern Township Sewage Enforcement Officer, Zoning Officer and/or Code Enforcement Officer.
- (F) As part of the special exception application, the Upper Bern Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision and/or land development plan.