

## **ARTICLE 8**

### **NON-RESIDENTIAL LAND USE AND DEVELOPMENT REQUIREMENTS**

#### **Section 801: Statement of Intent**

- (A) The intent of Article 8 is to develop certain land use and development requirements for the permitted non-residential uses within Upper Bern Township. The provisions of Article 8 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, “non-residential uses” shall include all commercial, industrial, religious, institutional, educational, medical, agricultural, recreational, and other similar uses, whereas, primary occupancy for residential use does not apply to the existing or proposed use.
- (C) The regulations established under Article 8 of this Zoning Ordinance shall be subject to the interpretation of the 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 802: Non-Residential Performance Standards and Controls**

- (A) Unless otherwise specified by other provisions adopted by Upper Bern Township, all non-residential uses shall comply with the performance standards and controls specified by the Upper Bern Township Zoning Ordinance, as determined appropriate by the Upper Bern Township Engineer, Zoning Officer, Sewage Enforcement Officer and/or Code Enforcement Officer.
- (B) With the exception of agricultural uses, the following requirements for air quality management shall apply to all existing and proposed non-residential uses:
  - (1) Open burning shall only be permitted if it conducted in accordance with the provisions adopted by Upper Bern Township.
  - (2) No gases, vapors, odors and/or particulates shall be emitted from any non-residential use, which are detrimental to persons, property, animals or vegetation.
  - (3) No toxic, radioactive or corrosive gases, vapors or fumes shall be released into the atmosphere.
  - (4) No odors causing annoyance or discomfort to the adjacent residents shall be detectable beyond the property lines of the non-residential use on which such odors originate.
  - (5) Any storage or spreading of manure, sludge, fertilizer, or other soil enrichment substances shall be conducted in a manner to limit odor. Further, all such activities shall be conducted in manner required by all pertinent local, state and federal laws.
  - (6) All state and federal regulations concerning air pollution or air quality shall be considered as minimum standards for the control of smoke, dust, fumes and emissions.
- (C) The following requirements for noise and vibration control shall apply to all existing and proposed non-residential uses within Upper Bern Township:
  - (1) Noise shall be regulated by the provisions of this Zoning Ordinance and/or by other municipal ordinances pertaining to noise.
  - (2) No physical vibration shall be perceptible without aid of instruments at or beyond the lot lines with the exception of temporary construction activity.

- (3) No continuous noise in excess of the following limits shall be permitted at the property line of the site on which the noise sources originates:

<b>Maximum Permissible Noise Levels (in decibels or dBA)</b>			
<b>Measurement taken along an adjoining property line within the following Zoning Districts</b>	<b>Time of Day (over a 10 minute time period)</b>		<b>Maximum Peak Limits Over any 8 hour period</b>
	<b>7:00 a.m. to 9:00 p.m.</b>	<b>9:00 p.m. to 7:00 a.m.</b>	
<b>AP, BMP and MDR</b>	55 dBA	50 dBA	60 dBA less than 10 minutes
			70 dBA less than 1 minute
<b>SV, RC and HC</b>	65 dBA	60 dBA	70 dBA less than 10 minutes
			75 dBA less than 1 minute
<b>GI and AI</b>	70 dBA	65 dBA	75 dBA less than 10 minutes
			80 dBA less than 1 minute

- (4) For noises that are considered smooth or continuous, the maximum permitted noise levels shall be measured over a period of 10 to 15 minutes. The noise levels shall be measured by the Zoning Officer or Code Enforcement Officer along any adjoining property line from which the noise originates. Where the noise levels exceed the maximum permissible limits during the specified time period and time of day, the owner of the property shall be considered in violation of the maximum decibel limits permitted by this section of the Zoning Ordinance.
- (5) For those noises that are not smooth and continuous, the peak noise levels shall be measured over a period of 1 minute to 10 minutes. The noise levels shall be measured by the Zoning Officer or Code Enforcement Officer along any adjoining property line from which the noise originates. Where the noise levels exceed the maximum permissible peak limits during any 8 hour period of time, the owner of the property shall be considered in violation of the maximum decibel limits permitted by this section of the Zoning Ordinance.
- (6) The maximum permissible noise levels specified by this section of the Zoning Ordinance shall not apply to the following conditions:
- (a) General repair or construction work during the hours 7:00 a.m. to 9:00 p.m. provided that the activities are permitted by Upper Bern Township.
  - (b) Household power tools and equipment during the hours of 7:00 a.m. to 9:00 p.m. provided that the activities are temporary.
  - (c) Blasting, providing it is conducted in association with construction activities, which have been permitted by local, state or federal agencies.
  - (d) Alarms or other devices used for the purposes of alerting people to the existence of an actual emergency or to warn people of an imminent danger.
  - (e) Municipal uses.
  - (f) Routine noises made by bells, chimes, carillons utilized for religious, educational or civic use.
  - (g) Licensed motor vehicles and authorized modes or transportation.
  - (h) Agricultural uses.
  - (i) Recreational uses.
  - (j) Quarrying and Mining uses.

- (D) With the exception of agricultural uses, the following requirements for light, glare and heat control shall apply to all non-residential uses:
- (1) Any non-residential use or operation producing intensive light, glare and/or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the boundary lines.
  - (2) No luminaire, spotlight or other source that is within 200 feet of a residential use or residential district shall be placed at a height exceeding 30 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety or lights intended to illuminate an architectural feature.
  - (3) All light sources utilized for non-residential uses shall be shielded or diffused to prevent the lighting from creating a nuisance to adjacent properties or prevent a distraction to motorist on adjacent public streets.
  - (4) Any flashing, flickering or strobe lighting shall be imperceptible from any point beyond the boundary lines.
  - (5) All non-residential uses shall also comply with the provisions specified under Section 920 of this Zoning Ordinance.
- (E) The following requirements for sewage disposal, wastewater management and water supply shall apply to all existing and proposed non-residential uses:
- (1) In no case shall potentially hazardous effluent or waste from any non-residential use be discharged into the environment or public infrastructure.
  - (2) The effluent from any non-residential use shall comply with the regulations specified by Upper Bern Township and/or the Pennsylvania Department of Environmental Protection.
  - (3) All non-residential uses shall comply with the appropriate provisions of Upper Bern Township Sanitary Sewer Use ordinance and/or the On-Lot Sewage Management Ordinance.
- (F) The following requirements for solid waste management and disposal shall apply to all existing and proposed non-residential uses:
- (1) No storage of solid waste materials on the site shall be permitted in excess of ten (10) days.
  - (2) All solid waste materials awaiting transport shall be properly screened and concealed from the view of all adjacent properties. All containers shall be enclosed, vermin-proof and have adequate storage capacity to accommodate existing and projected volumes of solid waste.
  - (3) All solid waste management violations must be rectified within a twenty-four (24) hour period.
  - (4) Incineration for the purpose of reducing or disposing of liquid or solid waste material must comply with the appropriate provisions for open burning and incineration adopted by Upper Bern Township as well as all state and federal air quality standards.
  - (5) All non-residential uses shall comply with the appropriate provisions for garbage, refuse and rubbish disposal, as adopted by Upper Bern Township.
- (G) The following requirements for outdoor storage shall apply to all existing and proposed non-residential uses:
- (1) Outdoor storage of any type shall be prohibited, if such storage is considered and/or construed as malodorous, hazardous to the environment and potentially detrimental to the health and safety of the adjacent property owners.
  - (2) All storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by a security fence and planting screen adequate to conceal the storage facilities from the view of adjacent properties.

- (3) No materials or waste shall be deposited on site in such form or manner by which it can be transported off the site by natural causes or forces.
  - (4) No materials or substances, which have the potential to contaminate groundwater or surface water shall be permitted to be stored outside unless the owner can provide safeguards, which are satisfactory to Upper Bern Township as well as all other state and federal agencies.
  - (5) Commercial outdoor sales shall comply with the provisions of Section 823 of this Zoning Ordinance.
- (H) The following utility and energy requirements shall apply to all existing and proposed non-residential uses:
- (1) All non-residential uses requiring energy in the form of electric, diesel, gas, oil, or other common energy source shall comply with the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry and shall be so constructed and installed so as to be an integral part of the architectural features of the site.
  - (2) A buffer yard or coniferous planting arrangement shall properly conceal any utility or energy source.
  - (3) No electromagnetic radiation, which interferes with radio, telephone, satellite or television reception, or other communication equipment, shall be completely imperceptible from any point beyond the property lines.
  - (4) No injurious electromagnetic radiation or radioactive emission shall be produced by any non-residential use. All radioactive emissions shall meet federal and state standards.
  - (5) Unless otherwise required by the utility company or authority providing service, all utilities shall be installed underground.
- (I) No building or structure may be erected, altered or used, and no lot or premises may be used, for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination or similar substances or conditions.
- (J) Proprietors who have been cited for any violation(s) subject to this section of the Zoning Ordinance may be responsible for applicable costs incurred by Upper Bern Township through background investigations, legal proceedings, retributions and rectification measures in accordance with the Second Class Township Code or the Pennsylvania Municipalities Planning Code.

**Section 803: Day Care Facilities and Uses**

- (A) The term “day care facilities” shall include “home day care” and “commercial day care centers” are further defined under Article 2 of this Zoning Ordinance.
- (B) The provisions for home day care uses are further specified under Section 803.1 of this Zoning Ordinance.
- (C) The provisions for commercial day care centers are further specified under Section 803.2 of this Zoning Ordinance.

**Section 803.1: Home Day Care**

- (A) Home day care facilities conducted as a home use or occupation are a permitted use by special exception within the AP, BMP, MDR, SV and HC Zoning Districts. For the purposes of this Zoning Ordinance, “home day care” shall be synonymous with “family day care”.
- (B) Home day care services shall be permitted within a single family dwelling unit meeting the minimum and maximum dimensional requirements established for the zoning district to which it is located.
- (C) The maximum number of children to be cared for within a home day care shall be limited to six (6) or fewer children, who are unrelated to the resident caregiver.

- (D) The use shall be located and conducted within the single family dwelling, except for a designated outdoor play area meeting the following requirements:
- (1) The single family dwelling shall be either serviced by public sanitary sewage facilities or with an on-lot sewage disposal system with sufficient capacities.
  - (2) The single family dwelling shall be either serviced by public water supply facilities or with an on-lot well with sufficient capacities.
  - (3) The internal facilities should be of adequate size to accommodate all of the children receiving plus the occupants of the single family dwelling.
  - (4) Common areas and facilities should be designated within the single family dwelling.
  - (5) The outdoor play area shall be located within the rear yard of the property and have sufficient size to accommodate six (6) children at once. The designated outdoor play area shall be planted and maintained in grass, lawn or other pervious material, which shall be enclosed with a continuous self-latching gate, with a height four (4) feet.
  - (6) All designated internal and external areas for the home day care shall be physically separated by a distance of 50 feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets, and other areas that may be considered hazardous to children.
- (E) At least two (2) off-street parking spaces shall be designated for the single-family detached residential use. In addition to these spaces, an off-street pick-up and drop-off area measuring ten (10) feet in width and forty (40) feet in length shall be designated and maintained for the discharge and collection of children.
- (F) The home day care and use shall comply with all specifications, standards and licenses, which are required by Upper Bern Township, Pennsylvania Department of Public Welfare, or other agencies having jurisdiction.
- (G) The principal care givers at the home day care shall be identified and their credentials shall be submitted to Upper Bern Township for review and consideration.
- (H) 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.

**Section 803.2: Commercial Day Care Centers**

- (A) Commercial day care centers are a permitted use by special exception within the SV, RC and HC Zoning Districts.
- (B) Commercial day care centers shall be permitted within an approved commercial facility, educational facility, church or religious facility, hospital or medical facility, municipal facility, health care facility, or other institutional use deemed appropriate by the Zoning Hearing Board, meeting the minimum and maximum dimensional requirements established for the zoning district to which it is located.
- (C) The child day care facility shall be capable of providing supplemental parental care and supervision and/or instruction to seven (7) or more children simultaneously, who are not related to the caregiver or operator on a daily basis. Tuition, fees or other forms of compensation may be charged, whether governmentally subsidized or not, by the operator of the day care facility.
- (D) All facilities shall be licensed and/or approved to dispense child care by the Commonwealth of Pennsylvania.
- (E) The use shall be located and conducted within approved facility, except for a designated outdoor play area meeting the following requirements:
- (1) The facility and use shall be served by public or community sewage facilities.

- (2) The facility and use shall be served by public water supply facilities or an on-lot well with sufficient capacities.
  - (3) The internal facilities should be of adequate size to accommodate all of the children receiving plus the occupants of the principal or secondary use. Common areas and facilities should be designated within the approved facility.
  - (4) The outdoor play area shall be located within the rear yard of the property and have sufficient size to accommodate all of the children. The designated outdoor play area shall be planted and maintained in grass, lawn or other pervious materials, which shall be enclosed with a continuous self-latching gate, with a height four (4) feet.
  - (5) All designated internal and external areas for the facility shall be physically separated by a distance of 50 feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets, and other areas that may be considered hazardous to children.
- (F) In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pick-up and drop-off area measuring ten (10) feet in width and sixty (60) feet in length shall be designated and maintained for the discharge and collection of children. The designated pick-up and drop-off area shall be marked by signs and physically removed from any required parking area, loading area, fire lane, and all points for vehicular access providing ingress and egress to the facility. The off-street parking area shall comply with the provisions of Article 10 of this Zoning Ordinance.
  - (G) The child day care facility shall comply with all specifications, standards and licenses, which are required by Upper Bern Township, Pennsylvania Department of Public Welfare, or other agencies having jurisdiction.
  - (H) The principal care givers at the child day care facility shall be identified and their credentials shall be submitted to Upper Bern Township for review and consideration.
  - (I) 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.

**Section 804: Agricultural Uses**

- (A) The term “agricultural operation”, as defined under Article 2 of this Zoning Ordinance, shall include general agricultural uses, intensive agricultural uses, commercial composting facilities, mushroom production operations, farm-related businesses, farm-support businesses, tree farms, nurseries, landscape centers, greenhouses, and all other principal or accessory agricultural uses.
- (B) The provisions for general agricultural uses are further specified under Section 804.1 of this Zoning Ordinance.
- (C) The provisions for intensive agricultural uses are further specified under Section 804.2 of this Zoning Ordinance.
- (D) The provisions for commercial composting and mushroom production uses are further specified under Section 804.3 of this Zoning Ordinance.
- (E) The provisions for farm-related business uses are further specified under Section 804.4 of this Zoning Ordinance.
- (F) The provisions for farm-support business uses are further specified under Section 804.5 of this Zoning Ordinance.
- (G) The provisions for nurseries, greenhouses tree farms, landscape centers, and roadside stands, as principal or accessory agricultural uses are further specified under Section 804.6 of this Zoning Ordinance.
- (H) The provisions for permitted subdivision and land development activity within the AP Zoning District are further specified under Section 804.7 of this Zoning Ordinance.

**Section 804.1: General Agricultural Uses**

- (A) General agricultural uses, as further defined under Article 2 of this Zoning Ordinance, shall be a permitted use by right within the AP, BMP, MDR, RC, HC, GI and AI Zoning Districts.
- (B) General agricultural uses may include the following uses: the cultivation of the soil for the raising and harvesting of the produce or crops; nurseries; greenhouses; horticulture operations; the raising of livestock and animal husbandry operations; silvicultural and aquacultural uses; and other general agricultural uses, as determined by the Upper Bern Township Zoning Officer.
- (C) The raising and ownership of farm animals as a general agricultural use shall be limited based upon owned contiguous acres relating to animal units. The number of animal units and weight classification shall be determined using the accepted methods of the Pennsylvania Nutrient Management Law. The following chart shall apply to general agricultural uses.

<b>General Agricultural Uses: Contiguous Acreage and Maximum Animal Unit Requirements</b>			
<b>Farm Animal</b>	<b>1.00 to 4.99 acres</b>	<b>5.00 to 9.99 acres</b>	<b>10.00 acres or more</b>
Poultry, fowl, rabbits and similar animals with weight that is less than 10 pounds per animal.	0.25 animal unit per acre	0.50 animal unit per acre	2.00 animal unit per acre
Sheep, goats and similar animals with weight between 10 pounds and 200 pounds per animal	0.50 animal unit per acre	1.00 animal unit per acre	2.00 animal unit per acre
Pigs, hogs, swine and similar animals with a weight between 200 pounds and 500 pounds per animal	0.25 animal unit per acre	0.50 animal unit per acre	2.00 animal unit per acre
Horses, cattle and similar animals with a weight between 500 pounds and 2,000 pounds per animal	1.00 animal unit per acre	1.00 animal unit per acre	2.00 animal unit per acre
All other farm animals	0.50 animal unit per acre	1.00 animal unit per acre	2.00 animal unit per acre
Note: The raising and ownership of farm animals as a general agricultural use shall be limited to the maximum permitted animal units per contiguous acre as well as the maximum permitted animals per acres as reference on this chart. Where a discrepancy should exist concerning the weight of the farm animal, the more restrictive provision shall apply.			

- (D) The following minimum and maximum dimensional requirements shall apply to general agricultural uses:
  - (1) A minimum of one (1) acre of contiguous net land area shall be required.
  - (2) The minimum lot width requirement for general agricultural uses shall be 100 feet.
  - (3) All principal buildings and structures that are utilized for general agricultural uses shall be located at least 100 feet from any property line or street right-of-way line.
  - (4) The maximum height of all buildings and structures shall be 50 feet.
  - (5) The total building coverage for general agricultural shall not exceed 10 percent of the lot area. The total lot coverage for general agricultural uses shall not exceed 20 percent of the lot area.
- (E) All general agricultural uses exceeding the provisions of this section of the Zoning Ordinance shall be considered as intensive agricultural use, which are further regulated under Sections 804.2 or 804.3 of this Zoning Ordinance.
- (F) All general agricultural uses and activities shall comply with all local, state and federal laws concerning manure, management, nutrient management, fertilizer applications, biosolids, water supply, stormwater management, erosion and sedimentation control, and vehicular accessibility.

- (G) Accessory uses may be permitted for the general agricultural uses, provided they are conducted on the same lot and are permitted by Upper Bern Township.

**Section 804.2: Intensive Agricultural Uses**

- (A) Intensive agricultural uses, as further defined under Article 2 of this Zoning Ordinance, shall be a permitted use by conditional use within the AP and AI Zoning Districts.
- (B) Intensive agricultural uses may include the following uses: specialized agricultural activities; mushroom production facilities; intensive livestock operations; intensive produce operations; poultry production facilities; intensive greenhouse operations; concentrated feed operations; concentrated animal operations; and other intensive agricultural uses, as determined by the Upper Bern Township Zoning Officer.
- (C) The raising and ownership of farm animals as an intensive agricultural use shall be limited based upon owned contiguous acres relating to animal units. The number of animal units and weight classification shall be determined using the accepted methods of the Pennsylvania Nutrient Management Law. The following chart shall apply to intensive agricultural uses containing farm animals.

<b>Intensive Agricultural Uses: Contiguous Acreage and Maximum Animal Unit Requirements</b>			
<b>Farm Animal</b>	<b>10.00 to 49.99 acres</b>	<b>50.00 to 99.99 acres</b>	<b>100.00 acres or more</b>
Poultry, fowl, rabbits and similar animals with weight that is less than 10 pounds per animal.	2.00 animal unit per acre	4.00 animal unit per acre	6.00 animal unit per acre
Sheep, goats and similar animals with weight between 10 pounds and 200 pounds per animal	3.00 animal unit per acre	4.00 animal unit per acre	6.00 animal unit per acre
Pigs, hogs, swine and similar animals with a weight between 200 pounds and 500 pounds per animal	2.00 animal unit per acre	4.00 animal unit per acre	6.00 animal unit per acre
Horses, cattle and similar animals with a weight between 500 pounds and 2,000 pounds per animal	3.00 animal unit per acre	4.00 animal unit per acre	6.00 animal unit per acre
All other farm animals	2.00 animal unit per acre	4.00 animal unit per acre	6.00 animal unit per acre
Note: The raising and ownership of farm animals as an intensive agricultural use shall be limited to the maximum permitted animal units per contiguous acre as well as the maximum permitted animals per acres as reference on this chart. Where a discrepancy should exist concerning the weight of the farm animal, the more restrictive provision shall apply.			

- (D) As part of the conditional use application, the Board of Supervisors may permit a twenty-five (25) percent increase to the maximum animal unit requirements specified under Section 804.2(C) of this Zoning Ordinance, provided that such increase does not impose any adverse effects to the health, safety and general welfare of the community.
- (E) The following minimum and maximum dimensional requirements shall apply to intensive agricultural uses:
- (1) A minimum of ten (10) acres of contiguous net land area shall be required to accommodate intensive agricultural uses and activities.
  - (2) The minimum lot width requirement for intensive agricultural uses shall be 300 feet.
  - (3) All buildings and structures utilized for intensive agricultural uses shall be located at least 200 feet from any property line or street right-of-way line.
  - (4) All intensive agricultural uses and facilities shall not be located within the floodplain and shall be located at least 200 feet from all streams or surface water.
  - (5) The maximum height of all buildings and structures utilized for intensive agricultural uses shall not exceed 50 feet.



- (6) The total building coverage for general agricultural uses shall not exceed ten (10) percent of the lot area. The total lot coverage for general agricultural uses shall not exceed twenty (20) percent of the lot area.
- (F) The intensive agricultural use shall be serviced by public sanitary sewage facilities or on-lot sanitary sewer facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection.
- (G) The intensive agricultural use shall be serviced by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity of the water supply source will be sufficient to accommodate the intensive agricultural use. The methods utilized to verify if there is a safe and dependable supply of water shall be subject to the approval of the Board of Supervisors.
- (H) All intensive agricultural uses relating to commercial composting and mushroom production uses shall be further regulated under the provisions of Sections 804.3 of this Zoning Ordinance.
- (I) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish will be permitted within 150 feet from any lot line.
- (J) Solid and liquid waste shall be disposed of in a manner to avoid insect, fly, rodent or pest problems. All intensive animal operations shall develop an abatement plan to mitigate potential nuisances.
- (K) All intensive agricultural uses and activities shall comply with all local, state and federal laws concerning nutrient management, biosolids, sewage disposal, water supply, stormwater management, erosion and sedimentation control, air quality management, and vehicular accessibility. Where appropriate, the applicant shall submit plans or other forms of documentation to demonstrate that the intensive agricultural use shall comply with all pertinent local, state and federal laws.
- (L) Prior to the submission of a conditional use application, the applicant shall consult with the Berks County Soil Conservation District, the Berks County Cooperative Extension and/or the Upper Bern Township Planning Commission to determine any potential adverse impacts associated with the intensive agricultural use and recommend any assessment studies or plans (refer to Sections 804.2.M) that should be completed as a prerequisite for the conditional use application or completed as a condition of approval of the conditional use application. The Board of supervisors shall consider the recommendations of these agencies as part of the conditional use application.
- (M) If required by the Board of Supervisors as part of the conditional use application, the following assessment studies or plans shall be completed:
- (1) A Nutrient Management Plan (NMP) shall be completed for the intensive agricultural use in accordance with local, state and federal requirements. The NMP should identify how the potential adverse impacts associated with the intensive agricultural use will be mitigated.
  - (2) A Conservation Plan shall be completed for the intensive agricultural use in accordance with local, state and federal requirements. The Conservation Plan should identify how the potential adverse impacts associated with soil erosion and sedimentation control will be mitigated.
  - (3) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated.
  - (4) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated.
  - (5) A Landscaping and Buffering Plan shall be conducted in order to assess existing and proposed site conditions. The Landscaping and Buffering Plan should identify how potential visual, sound and odor impacts will be mitigated

- (N) As part of the conditional use application, the applicant shall provide evidence that the intensive agricultural uses or activities shall comply with the provisions established within this Zoning Ordinance.
- (O) 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 land development plan or building permit application.
- (P) If the Board of Supervisors approves the conditional use application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township. The Board of Supervisors may waive this requirement pursuant to the provisions established by Upper Bern Township and the Pennsylvania Municipalities Planning Code.

**Section 804.3: Commercial Composting and Mushroom Production Uses**

- (A) Commercial composting uses and mushroom production uses, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the AI Zoning District.
- (B) Commercial composting uses may include the accumulation of biodegradable and organic materials from approved uses including landscaping uses, nursery uses, forestry uses, and other similar uses, as determined appropriate by Upper Bern Township, whereas, the composted materials and residual waste are packaged, processed and/or transported from the commercial composting facility and utilized for other applications.
- (C) Mushroom production uses may include the accumulation of biodegradable and organic materials from permitted mushroom production uses, as determined appropriate by Upper Bern Township; whereas, the products and residual waste are packaged, produced, processed and/or transported from the facility and utilized for other applications.
- (D) The following minimum and maximum dimensional requirements shall apply to commercial composting and mushroom production uses:
  - (1) A minimum of ten (10) acres of contiguous net land area shall be required to accommodate the commercial composting or mushroom production use.
  - (2) The minimum lot width requirement for commercial composting or mushroom production uses shall be 300 feet.
  - (3) All buildings and structures utilized for commercial composting or mushroom production uses shall be located at least 200 feet from any property line or street right-of-way line.
  - (4) All commercial composting or mushroom production and facilities shall be located at least 100 feet from all streams or surface water.
  - (5) The maximum height of all buildings and structures utilized for commercial composting or mushroom production uses shall not exceed 35 feet.
  - (6) The total building coverage for general agricultural uses shall not exceed ten (10) percent of the lot area. The total lot coverage for general agricultural uses shall not exceed twenty (20) percent of the lot area.
- (E) The commercial composting or mushroom production use shall be serviced by public sanitary sewage facilities or on-lot sanitary sewer facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection.
- (F) The commercial composting or mushroom production use shall be serviced by a private water supply system approved and permitted by the Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the commercial composting or mushroom production use. The methods utilized to verify if there is a safe and dependable supply of water shall be subject to the approval of the Board of Supervisors.

- (G) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish will be permitted within 150 feet from any lot line.
- (H) Solid and liquid waste shall be disposed of in a manner to avoid insect, rodent or pest problems. All commercial composting and mushroom production uses shall develop an abatement plan to mitigate potential nuisances.
- (I) All commercial composting or mushroom production uses shall comply with all local, state and federal laws concerning nutrient management, biosolids, sewage disposal, water supply, stormwater management, erosion and sedimentation control, air quality management, and vehicular accessibility. Where appropriate, the applicant shall submit plans or other forms of documentation to demonstrate that the intensive agricultural use shall comply with all pertinent local, state and federal laws.
- (J) Prior to the submission of a conditional use application, the applicant shall consult with the Berks County Soil Conservation District, the Berks County Cooperative Extension and/or the Upper Bern Township Planning Commission to determine any potential adverse impacts associated with the commercial composting or mushroom production use and recommend any assessment studies or plans (refer to Sections 804.3.K) that should be completed as a prerequisite for the conditional use application or completed as a condition of approval of the conditional use application. The Board of supervisors shall consider the recommendations of these agencies as part of the conditional use application.
- (K) If required by the Board of Supervisors as part of the conditional use application, the following assessment studies or plans shall be completed:
  - (1) A Nutrient Management Plan (NMP) shall be completed for the intensive agricultural use in accordance with local, state and federal requirements. The NMP should identify how the potential adverse impacts associated with the commercial composting use or mushroom production use will be mitigated.
  - (2) A Conservation Plan shall be completed for the intensive agricultural use in accordance with local, state and federal requirements. The Conservation Plan should identify how the potential adverse impacts associated with soil erosion and sedimentation control will be mitigated.
  - (3) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated.
  - (4) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated.
  - (5) A Landscaping and Buffering Plan shall be conducted in order to assess existing and proposed site conditions. The Landscaping and Buffering Plan should identify how potential visual, sound and odor impacts will be mitigated.
- (L) As part of the conditional use application, the applicant shall provide evidence that the commercial composting use or mushroom production use shall comply with the provisions established within this Zoning Ordinance.
- (M) 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 land development plan or building permit application.
- (N) If the Board of Supervisors approves the conditional use application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township. The Board of Supervisors may waive this requirement pursuant to the provisions established by Upper Bern Township and the Pennsylvania Municipalities Planning Code.

**Section 804.4: Farm-Related Business Uses**

- (A) Farm-related business uses, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by right in the AP, BMP, MDR, RC, HC, GI and AI Zoning Districts.
- (B) Farm-related business uses may include accessory uses and activities, as defined by this section of the Zoning Ordinance, provided that the agricultural use is the primary use and the farm-related business use is a secondary or accessory use, which is compatible to the agricultural use. The farm-related business use shall be conducted in a manner that the agricultural use retains the visual character of a farm.
- (C) Uses that exceed the provisions of this section of the Zoning Ordinance may be permitted by special exception under the provisions for farm-support business uses, which are further specified under Section 804.5 of this Zoning Ordinance.
- (D) All farm-related business uses should be directed at meeting the needs of those engaged in an agricultural operation or use. A farm-related business use may include the following subordinate uses:
  - (1) Facilities for the manufacturing, warehousing, sales, repair and service of agricultural equipment, vehicles, or supplies;
  - (2) Blacksmith shops, farrier and harness making uses;
  - (3) Butcher shops and meat packaging uses;
  - (4) Processing and distribution of agricultural products;
  - (5) Feed supply and fertilizer distributors.
  - (6) Other uses of similar character as determined by the Zoning Officer.
- (E) The following minimum and maximum dimensional requirements shall apply to an agricultural use with a permitted farm-related business use:
  - (1) A minimum of ten (10) acres of contiguous net land area shall be required to accommodate the agricultural use and the farm-related business use.
  - (2) The maximum land area designated for the farm-related business shall be no more than three (3) acres.
  - (3) All building or structures utilized for the farm-related business use shall be located at least 100 feet from any side or property line or street right-of-way line.
  - (4) Outdoor storage of supplies, materials, or other products utilized for the farm-related business shall be located at least 50 feet from any side or property line or street right-of-way line.
  - (5) The maximum height for any building or structure utilized for the farm-related business use shall be 35 feet.
  - (6) The maximum combined lot coverage for the agricultural uses and farm-related uses shall be 10 percent.
  - (7) The total gross floor area of a building or structure utilized exclusively for a farm-related business use shall not exceed 4,000 square feet.
- (F) Any building constructed for the use of a farm-related business shall be of a type or design that could be converted to an agricultural use in the event the farm-related business is discontinued.
- (G) The farm-related business shall be owned and operated by the farmer in residence on the property. No more than three (3) full time equivalent employees shall be employed at the farm for the farm-related business.

- (H) No more than two (2) farm-support business uses shall be permitted on the farm. A zoning or use permit must be acquired by the owner to operate the farm-related business.
- (I) An off-street parking area shall be provided to meet the following requirements: two (2) parking spaces shall be provided for the principal agricultural use; one (1) parking space shall be provided for each employee not residing at the farm; and no more than two (2) parking spaces shall be provided for guests or patrons. The maximum number of off-street parking spaces shall be limited to eight (8) parking spaces, which shall not include any garage spaces and shall be designed to comply with the appropriate provisions of Article 10 of this Zoning Ordinance.
- (J) Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free shall not create a traffic hazard.
- (K) A sign displaying the name and address of the farm-related business is permitted, subject to the following requirements: no more than one (1) such sign shall be erected on the lot; the area of the sign shall not exceed six (6) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten (10) feet of the cartway. All proposed signs shall comply with Article 11 of this Zoning Ordinance.
- (L) The owner of the farm-related business shall conduct and manage all activities that will not create a nuisance in terms of excessive noise, light, dirt, and/or odor. Further, the farm-related business shall not result in the accumulation of trash or debris upon the property.
- (M) Composting or other farm waste storage facilities shall not be permitted within 100 feet of a property line or street right-of-way.
- (N) The land area of the accessory business operation shall not be subdivided from the farm property or principal agricultural use.
- (O) No construction or other improvements required to support a farm-related business use shall be permitted unless a land development plan has been submitted to Upper Bern Township for review and consideration.
- (P) 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 zoning permit.

**Section 804.5: Farm-Support Business Uses**

- (A) Farm-support business uses, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception in the AP, BMP, HC, GI and AI Zoning Districts.
- (B) Farm-support business uses may include accessory uses and activities, as defined by this section of the Zoning Ordinance, provided that the agricultural use is the primary use and the farm-support business use is a secondary or accessory use, which is not necessarily compatible to the agricultural use. The farm-support business use shall be conducted in a manner that the agricultural use retains the visual character of a farm.
- (C) All farm-support business uses should be directed at meeting the needs of those engaged in an agricultural operation or use. A farm-support business use may include the following subordinate uses:
  - (1) Facilities for the manufacturing, warehousing, sales, repair and service of equipment, vehicles, or supplies;
  - (2) Processing and distribution of products;
  - (3) Veterinary offices subject to the provisions of Section 815 of this Zoning Ordinance;
  - (4) Kennels within the AI Zoning District, subject to the provisions of Section 816 of this Zoning Ordinance;
  - (5) Uses that exceed the farm-related provisions contained under Section 804.4 of this Zoning Ordinance.

- (6) Uses that exceed the home occupation provisions contained under Section 905 of this Zoning Ordinance.
- (D) The following minimum and maximum dimensional requirements shall apply to an agricultural use with a permitted farm-support business use:
- (1) A minimum of ten (10) acres of contiguous net land area shall be required to accommodate the agricultural use and the farm-support business use.
  - (2) The maximum land area designated for the farm-support business shall be no more than three (3) acres.
  - (3) All building or structures utilized for the farm-support business use shall be located at least 100 feet from any side or property line or street right-of-way line.
  - (4) Outdoor storage of supplies, materials, or other products utilized for the farm-support business shall be located at least 50 feet from any side or property line or street right-of-way line.
  - (5) The maximum height for any building or structure utilized for the farm-support business use shall be 35 feet.
  - (6) The maximum combined lot coverage for the agricultural uses and farm-support uses shall be 10 percent.
  - (7) The total gross floor area of a building or structure utilized exclusively for a farm-support business use shall not exceed 4,000 square feet.
- (E) Any building constructed for the use of a farm-support business shall be of a type or design that could be converted to an agricultural use in the event the farm-support business is discontinued.
- (F) Farm-support uses shall consider the character and appearance of other uses located within 1,000 feet of the property lines.
- (G) The farm-support business shall be owned and operated by the farmer in residence on the property. No more than three (3) full time equivalent employees shall be employed at the farm for the farm-support business.
- (H) No more than one (1) farm-support business uses shall be permitted on the farm. A zoning or use permit must be acquired by the owner to operate the farm-support business. Further, a farm-support business shall not be operated in conjunction with a farm-related business.
- (I) An off-street parking area shall be provided to meet the following requirements: two (2) parking spaces shall be provided for the principal agricultural use; one (1) parking space shall be provided for each employee not residing at the farm; and no more than two (2) parking spaces shall be provided for guests or patrons. The maximum number of off-street parking spaces shall be limited to eight (8) parking spaces, which shall not include any garage spaces and shall be designed to comply with the appropriate provisions of Article 10 of this Zoning Ordinance.
- (J) Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free shall not create a traffic hazard.
- (K) A sign displaying the name and address of the farm-support business may be permitted, subject to the following requirements: no more than one (1) such sign shall be erected on the lot; the area of the sign shall not exceed six (6) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten (10) feet of the cartway.
- (L) The owner of the farm-support business shall conduct and manage all activities that will not create a nuisance in terms of excessive noise, light, dirt, and/or odor. Further, the farm-support business shall not result in the accumulation of trash or debris upon the property.
- (M) Composting or other farm waste storage facilities shall not be permitted within 100 feet of a property line or street right-of-way.

- (N) The land area of the accessory business operation shall not be subdivided from the farm property or principal agricultural use.
- (O) No construction or other improvements required to support a farm-support business use shall be permitted unless a land development plan has been submitted to Upper Bern Township for review and consideration.
- (P) 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 plan, land development plan and/or zoning permit.

**Section 804.6: Greenhouses, Tree Farms, Nurseries, Landscaping Centers and Roadside Stands**

- (A) Greenhouses and tree farms that do not provide for on-site commercial or retail sales as a principal use shall be considered as a general agricultural use, which are permitted by right in the AP, BMP, MDR, RC, HC, GI and AI Zoning Districts. . All such general agricultural uses shall be subject to the following requirements:
  - (1) Greenhouses shall not exceed 20,000 square feet in gross covered floor area per structure and shall not exceed 50,000 cumulative square feet in gross covered floor area for all structures.
  - (2) The minimum and maximum dimensional requirements for general agricultural uses, as specified under Section 804.1 of this Zoning Ordinance, shall apply to greenhouses and tree farm.
  - (3) Greenhouses shall be considered as a structure, which should be accounted for as part of the building coverage and lot coverage requirements for the lot.
  - (4) An off-street parking area consisting of one (1) parking space for each full time equivalent employee plus two (2) parking spaces for guests or patrons. The maximum number of off-street parking spaces shall be limited to ten (10) parking spaces and shall be designed to comply with the appropriate provisions of Article 10 of this Zoning Ordinance.
  - (5) Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free shall not create a traffic hazard.
  - (6) A sign displaying the name and address of the farm-support business may be permitted, subject to the following requirements: no more than one (1) such sign shall be erected on the lot; the area of the sign shall not exceed ten (10) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten (10) feet of the cartway.
  - (7) Greenhouses and tree farms may have two (2) seasonal sales per year provided that such sales do not exceed sixty (60) cumulative days over a calendar year that that a zoning or use permit is obtained from Upper Bern Township.
- (B) Commercial greenhouses, tree farms, nurseries or landscaping centers that provide for on-site retail sales shall be permitted by conditional use within the RC and HC Zoning Districts. All such uses shall be subject to the following:
  - (1) A minimum of two (2) contiguous net acres of land area shall be required to accommodate any commercial greenhouse, tree farm, nursery or landscaping center.
  - (2) All commercial greenhouses, tree farms nurseries and landscaping centers shall be located on approved lots, which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified for the RC or HC Zoning Districts.
  - (3) The storage of merchandise that is available for retail sales may be permitted outside of the principal building or structure provided that such storage complies with the minimum setback provisions, which are further specified for the RC or HC Zoning Districts.

- (4) No exterior storage of a substance, which has the potential to contaminate groundwater or surface water, shall be permitted unless the owner provides and installs safeguards, which are satisfactory to Upper Bern Township and the Pennsylvania Department of Environmental Protection. All such protective safeguards shall be subject to the review and approval by Upper Bern Township.
  - (5) Greenhouses shall be considered as a structure, which should be accounted for as part of the building coverage and lot coverage requirements for the lot.
  - (6) An off-street parking area consisting of at least one (1) parking space per five (500) square feet of gross floor and surface area of merchandise sale for guests or patrons plus one (1) parking space for each full time equivalent employee. This provision may be reduced as part of the conditional use application if the applicant provides documentation to support the reduction.
  - (7) At least one (1) off-street loading space shall be provided for the commercial greenhouse, tree farm, nursery or landscaping center. The off-street loading space shall be located, designed and constructed in accordance with the provisions of Article 10 of this Zoning Ordinance.
  - (8) Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free shall not create a traffic hazard.
  - (9) No more than one (1) common on-premises free standing or ground sign shall be permitted for the commercial greenhouse, tree farm, nursery or landscaping center, which shall not exceed 30 square feet. All proposed signs shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (10) If the Board of Supervisors approves the conditional use application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.
- (C) Roadside stands, which are considered as an accessory use to a general agricultural use, shall be permitted by right in the AP, BMP, MDR, SV, RC, HC, GI and AI Zoning Districts. All such uses shall be subject to the following provisions:
- (1) At least fifty (50) percent of the agricultural products sold at the roadside stand shall be has been produced on farms within fifty (50) miles of the roadside stand.
  - (2) The total display area of the agricultural products sold at the roadside stand shall be limited to eight hundred (800) square feet.
  - (3) The roadside stand shall be considered as a temporary and portable structure, which shall be located at least fifty (50) feet from the centerline of the cartway and two hundred (200) feet from a street intersection. In no case shall the roadside stand be placed within the street right-of-way.
  - (4) The portable roadside stand shall be removed during seasons when agricultural products are not sold or if the roadside stand becomes inactive for 90 consecutive days.
  - (5) Sufficient off-street parking areas shall be designed, located and constructed in a manner considering the customer vehicles entering and exiting the property. All such off-street parking areas shall be mud free shall not create a traffic hazard. A total of three (3) off-street parking areas shall be provided for the initial one hundred (100) square feet of permitted display area plus one (1) off-street parking space shall be provided for each additional one hundred (100) square feet of display area. The maximum number of off-street parking spaces shall be ten (10) off-street parking spaces.
  - (6) A sign displaying the name or products for sale may be permitted, subject to the following requirements: no more than one (1) such sign shall be erected on the lot; the area of the sign shall not exceed ten (10) square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within ten (10) feet of the cartway.



**Section 804.7: Permitted Subdivision Activity in the AP Zoning District**

- (A) Single family detached dwellings shall be permitted by right within the AP Zoning District, subject to the subdivision and land development requirements of this section of the Zoning Ordinance.
- (B) The total land area of the “parent tract” owned under single or separate deeds as of March 5, 1997, shall be subject to the sliding scale techniques for agricultural preservation zoning. The following chart provides a summary of the permitted number of residential lots in relation to the total gross land area of the parent tract.

<b>Permitted Subdivision Activity in the AP Zoning District</b>	
<b>Total Size of the Parent Tract</b>	<b>Maximum Permitted Single Family Detached Lots</b>
Less than 5.00 acres	1 single family detached lot
5.00 acres to 19.99 acres	2 single family detached lots
20.00 acres to 49.99 acres	3 single family detached lots
50.00 acres to 99.99 acres	4 single family detached lots
100.00 acres to 149.99 acres	5 single family detached lots
150.00 acres to 199.99 acres	6 single family detached lots
200.00 acres to 299.99 acres	7 single family detached lots
300.00 acres to 399.99 acres	8 single family detached lots
400.00 acres to 499.99 acres	9 single family detached lots
More than 500 acres	10 single family detached lots

Note: The total size of the “parent tract” shall be considered the total land area owned under single or separate deeds after March 5, 1997. All subdivision and land development activity within the AP Zoning District shall comply with all pertinent comments of Section 804.7 of this Zoning Ordinance.

- (C) All existing single family detached dwelling and/or lots that have been approved by Upper Bern Township prior to March 5, 1997, shall be permitted in addition to the maximum number of permitted single family detached lots.
- (D) Properties subdivided exclusively for agricultural or conservation uses shall not account for residential uses or lots, provided that such properties contain deed restrictions referencing that the properties shall not be subdivided or developed for residential purposes.
- (E) The individual lot size for all new single family detached lots shall conform with the dimensional requirements specified on the following chart.

<b>Dimensional Requirements for Subdivision and Land Development Activity in the AP Zoning District</b>		
<b>Dimensional Requirement</b>	<b>Minimum Requirements</b>	<b>Maximum Requirements</b>
Total Net Land Area	1.00 acre	2.00 acre
Lot Width	100 feet	200 feet
Front Yard Setback	50 feet	Not Applicable
Side Yard Setback (each)	20 feet	Not Applicable
Rear Yard Setback	30 feet	Not Applicable
Building Height	Not Applicable	35 feet
Building Coverage	Not Applicable	10 percent
Lot Coverage	Not Applicable	20 percent

Note: The minimum and maximum dimensional requirements contained within this table apply only to new single family detached dwelling lots that are located within the Agricultural Preservation (AP) Zoning District after March 5, 1997.

- (F) As part of the subdivision and land development process, the proposed single family detached lots shall be designed considering the following criteria:
- (1) The size of the lot shall be a minimum of 1.00 net acre but less than 2.00 net acres. The Board of Supervisors may allow lots larger than 2.00 net acres if any of the following conditions apply:
    - (a) Additional land area is required to comply with the provisions for on-lot sewage facilities planning and/or permitting.
    - (b) The site can not be suitably utilized for agricultural or conservation uses due to topographical or hydrological factors.
    - (c) The landowner agrees by deed restriction to reduce the number of permitted residential lots, as specified under Section 804.7(B) of this Zoning Ordinance, whereas, the total number of permitted residential lots are reduced by fifty (50) percent to the lowest divisible value or common denominator.
    - (d) The size of the lot exceeds 52 acres of contiguous land area, whereas, the purpose of the subdivision application is to create a smaller farm containing a single-family residential use. If permitted, the subdivided parcel shall account for two (2) of the permitted lots under the sliding scale formula, as specified under Section 804.7(B) of this Zoning Ordinance.
    - (e) The proposed single-family dwelling unit is located on the least desirable area to support and/or maintain agricultural uses.
    - (f) The Upper Bern Township Board of Supervisors shall consider each proposal independently in terms of the site characteristics as well as the goals and objectives for the AP Zoning District.
  - (2) The proposed lots should be located along an existing public street or along an existing private street that complies with the design requirements of a minor or local street, as specified by the Upper Bern Township Subdivision and Land Development Ordinance.
  - (3) Subdivision activity should be avoided in areas on which more than 60 percent of the soils are considered as prime or significant in terms of their agricultural values.
  - (4) The proposed residential lots and related site improvements shall be designed to consider adjacent agricultural and conservation land uses.
  - (5) The subdivision plan shall contain notes referencing the subdivision and development limitations associated with the AP Zoning District as well as the future subdivision or lot allotment that is remaining with the parent tract. The note should account for all residential lots previously approved by Upper Bern Township after March 5, 1997, by referencing the approval date, number of lots, acreage and tax parcel identification number.
  - (6) A note shall be applied to all proposed subdivision, land development, and building permit applications for residential uses within the AP Zoning District:
 

All land and water areas within the AP Zoning District are located in an area where land is utilized for agricultural operations and uses. Owners, residents and other users of this property as well as neighboring properties will be subjected to occasional inconvenience and discomfort arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions and inconveniences are hereby put on official notice that the Pennsylvania Right to Farm Law may bar them from obtaining a legal judgment against normal agricultural operations.
- (G) Agricultural or conservation uses may be subdivided from the parent tract as non-building lots, provided that the size of the non-building lots exceeds ten (10) acres of contiguous lands area and that the proposed agricultural or conservation lots are perpetually preserved and deed restricted as an agricultural or conservation use. If permitted, the non-building lot shall account for one (1) of the permitted lots under the sliding scale formula, as specified under Section 804.7(B) of this Zoning Ordinance.

- (H) Where a parcel of land has been preserved as an agricultural or conservation easement through a county, state or federal program, the landowner may consider land development options in accordance with the policies of the county, state or federal program to which the same property has been preserved through an easement.
- (I) All other non-residential subdivision and land activity within the AP Zoning District shall be subject to the provisions of Sections 402 and 804 of this Zoning Ordinance.

**Section 805: Recreational Uses**

- (A) Unless otherwise specifically permitted by this Zoning Ordinance, non-commercial recreational uses and areas shall be permitted by special exception within the AP, BMP, MDR, SV, RC and HC Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance. Non-commercial recreation uses shall be defined as a use where the patrons or participants are not required to pay a fee.
- (B) Private and public golf courses, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the BMP, MDR and RC Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance. For the purposes of this Zoning ordinance, a golf driving range or miniature golf course shall be considered as a commercial recreation use.
- (C) Commercial recreation uses, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the SV, RC and HC Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance.
- (D) Unless otherwise permitted by the Board of Supervisors as part of a conditional use application, the following general design standards and specifications shall apply to passive recreational uses and areas:
  - (1) A minimum of two (2) acres of contiguous net land area shall be required to accommodate the passive recreational use.
  - (2) All passive recreational areas and uses shall be located at least ten (10) feet from all property lines and street right-of-ways.
  - (3) All buildings associated with a passive recreation use or area shall be located at least fifty (50) feet from all external property lines and street right-of-ways.
  - (4) All means of ingress and/or egress shall be located and designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (5) Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free shall not create a traffic hazard.
  - (6) Unless otherwise authorized as an cooperative agreement between neighboring property owners, recreation vehicles shall not be operated within twenty (20) feet from all property lines.
  - (7) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance.
  - (8) All proposed signs for the passive recreational use shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (9) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.

(E) Unless otherwise permitted by the Zoning Hearing Board as part of a special exception application, the following general design standards and specifications shall apply to active or passive recreational uses and areas, which may also be considered as commercial recreation areas:

- (1) A minimum of two (2) acres of contiguous net land area shall be required to accommodate the active recreational use.
- (2) The active recreational facilities shall be either serviced by public sanitary sewage disposal facilities or with an on-lot sewage disposal system with sufficient capacities.
- (3) The active recreational use shall be either serviced by public water supply facilities or with an on-lot well with sufficient capacities.
- (4) The minimum lot width for the recreational use shall be 150 feet.
- (5) All active outdoor recreational areas and uses shall be located at least 50 feet from all property lines and street right-of-ways.
- (6) A landscaped buffer yard or fence shall be considered between the active recreational use and adjacent residential uses.
- (7) All recreational buildings shall be located at least 50 feet from all external property lines and street right-of-ways.
- (8) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the privacy of the residential neighborhood from inappropriate noise, light and other disturbances.
- (9) All means of ingress and/or egress shall be located at least two hundred (200) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
- (10) Sufficient vehicular access roads and off-street parking areas shall be designed, located and constructed in a manner considering the size and weight of all delivery vehicles and customer vehicles entering and exiting the property. All such vehicular access roads and off-street parking areas shall be mud free shall not create a traffic hazard.
- (11) Unless otherwise authorized as an cooperative agreement between neighboring property owners, recreation vehicles shall not be operated within twenty (20) feet from all property lines.
- (12) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance.
- (13) All proposed signs for the recreational use shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
- (14) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.

(F) Unless otherwise permitted by the Zoning Hearing Board as part of the special exception application, the applicant or developer shall submit the following information for review and consideration:

- (1) A preliminary grading plan shall be developed identify the limits of disturbance for all site improvements, the proposed ground elevations, erosion and sedimentation control facilities, stormwater management facilities, and other natural or man-made features of the site.

- (2) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the special exception application.
  - (3) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the special exception application.
- (G) 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 plan, land development plan and/or zoning permit.
- (H) If the Zoning Hearing Board approves the conditional use application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by Upper Bern Township.

**Section 806: Institutional Uses**

- (A) The term “institutional use”, as defined under Article 2 of this Zoning Ordinance, shall include educational uses, hospitals, medical centers, health care uses, churches, religious uses, assisted living care facilities, and other similar institutional uses as determined by the Zoning Officer.
- (B) The provisions for educational uses are further specified under Section 806.1 of this Zoning Ordinance.
- (C) The provisions for hospitals or medical centers are further specified under Section 806.2 of this Zoning Ordinance.
- (D) The provisions for assisted living care facilities, convalescent homes and nursing homes are further specified under Section 806.3 of this Zoning Ordinance.
- (E) The provisions for places of worship or religious uses are further specified under Section 806.4 of this Zoning Ordinance.

**Section 806.1 Educational Uses**

- (A) Educational uses, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the MDR, SV, RC and HC Zoning Districts, subject to the provisions of the Upper Bern Township Zoning Ordinance as well as the following design standards and specifications:
  - (1) A minimum of five (5) acres of contiguous net land area shall be required to accommodate the educational use. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the educational use is located shall apply.
  - (2) The educational facilities and uses shall be serviced by public sanitary sewage disposal facilities.
  - (3) The educational facilities and uses shall be either serviced by public water supply facilities or with an on-lot well with sufficient capacities. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses.
  - (4) Subordinate uses within the educational use shall be limited to: cafeterias; administrative and professional offices; recreational uses; day care facilities; religious uses; and other similar uses that are determined appropriate by the Zoning Hearing Board as part of the special exception application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40 percent of the cumulative gross floor area of all uses within the educational facility. The accessory uses shall be considered subordinate uses that directly benefit the educational use. All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.

- (5) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
  - (6) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (7) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (8) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of school buses, emergency response vehicles and/or other commercial vehicles shall be arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (9) All proposed signs for the educational use shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (10) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line of a non-residential use and one hundred (100) feet from any lot line of a residential use.
- (B) As part of the special exception application, the applicant shall provide evidence that the educational use or activities shall comply with the provisions established within this Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the Upper Bern Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- (C) 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 plan, land development plan and/or zoning permit.
- (D) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by Upper Bern Township.

## **Section 806.2 Hospitals and Medical Centers**

- (A) Hospitals and medical centers, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the RC, HC, GI and AI Zoning Districts, subject to the provisions of the Upper Bern Township Zoning Ordinance as well as the following design standards and specifications:
- (1) A minimum of five (5) acres of contiguous net land area shall be required to accommodate the hospital or medical center. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the hospital or medical center is located shall apply.
  - (2) The uses contained within the hospital or medical center shall be serviced by public sanitary sewer facilities.
  - (3) The uses contained within the hospital or medical center 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 demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses.

- (4) Subordinate uses within the hospital or medical center shall be limited to: restaurants or cafeterias; administrative and professional offices; retail sales establishments; banks or financial institutions; personal care or service establishments; conference or convention centers; day care facilities; adult day care facilities; recreational uses; educational uses; religious uses; and other similar uses that are determined appropriate by Upper Bern Township as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40 percent of the cumulative gross floor area of all uses within the hospital or medical center. All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.
- (5) The primary points of ingress and egress to the medical research park shall be along a collector or arterial street. As part of the conditional use applications, the applicant shall mitigate all potential traffic impacts.
- (6) All designated points of ingress and egress for emergency management vehicles shall be located at least 500 feet from a residential zoning district and designed to consider traffic volumes on existing streets and adjacent uses.
- (7) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
- (8) All heliport or helistop facilities shall be located at least five hundred (500) feet from all property lines. All such uses shall be approved by the appropriate local, state and federal authorities.
- (9) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
- (10) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (11) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency response vehicles, buses and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (12) All proposed signs for the hospital or medical center shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
- (13) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line of a non-residential use and one hundred (100) feet from any lot line of a residential use.
- (14) All medical waste, bio-hazardous materials, equipment, red bag waste, and other similar items, which because of its potential health risks, shall be discarded in a manner specified by local, county, state and federal laws.
- (15) Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Berks County, which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

- (16) Only the processing of waste generated onsite is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable local, county, state and federal standards and regulations.
- (B) As part of the conditional use application, the applicant shall provide evidence that the hospital or medical center shall comply with the provisions established within this Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application, the applicant shall consult with the Upper Bern Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- (C) 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 land development plan.
- (D) If the Board of Supervisors approves the conditional use application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval as well as all other provisions specified by Upper Bern Township.

**Section 806.3 Assisted Living Care Facilities, Convalescent Homes and Nursing Homes**

- (A) Assisted living care facilities, convalescent homes and nursing homes, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the MDR, SV and HC Zoning Districts, subject to the provisions of the Upper Bern Township Zoning Ordinance as well as the following design standards and specifications:
- (1) A minimum of three (3) acres of contiguous net land area shall be required to accommodate the assisted living care facility, convalescent home and/or nursing home. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the assisted living care facility, convalescent home and/or nursing is located shall apply.
  - (2) The assisted living care facility, convalescent home and/or nursing home shall be serviced by public sanitary sewer disposal facilities.
  - (3) The assisted living care facility, convalescent home and/or nursing home shall be serviced by public water supply facilities or by private water supply facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses.
  - (4) Subordinate uses within the assisted living care facility, convalescent home and/or nursing home shall be limited to: restaurants or cafeterias; administrative and professional offices; retail sales establishments; banks or financial institutions; personal care or service establishments; recreational uses; educational uses; religious uses; and other similar uses that are determined appropriate by Upper Bern Township as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40 percent of the cumulative gross floor area of all uses within the assisted living care facility, convalescent home and/or nursing home. All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.
  - (5) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
  - (6) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.



- (7) All designated points of ingress and egress for emergency management vehicles shall be located at least 500 feet from a residential zoning district and designed to consider traffic volumes on existing streets and adjacent uses.
  - (8) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (9) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency response vehicles, buses and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (10) All proposed signs for the assisted living care facility, convalescent home and/or nursing home shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (11) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line of a non-residential use and one hundred (100) feet from any lot line of a residential use.
  - (12) All medical waste, bio-hazardous materials, equipment, red bag waste, and other similar items, which because of its potential health risks, shall be discarded in a manner specified by local, county, state and federal laws.
  - (13) Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Berks County, which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
  - (14) Only the processing of waste generated onsite is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable local, county, state and federal standards and regulations.
  - (15) 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 occupants of the facility.
- (B) As part of the conditional use application or the special exception application, the applicant shall provide evidence that the assisted living care facility, convalescent home and/or nursing home shall comply with the provisions established within this Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application, the applicant shall consult with the Upper Bern Township Engineer and Zoning Officer to initially discuss the documentation that may be required as part of the application.

- (C) 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 land development plan.
- (D) If the Board of Supervisors approves the conditional use application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Upper Bern Township.

**Section 806.4: Places of Worship and Religious Uses**

- (A) Places of worship and religious uses, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the BMP, MDR, SV, RC and HC Zoning Districts, subject to the provisions of the Upper Bern Township Zoning Ordinance as well as the following design standards and specifications:
  - (1) A minimum of five (5) acres of contiguous net land area shall be required to accommodate the religious use. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the religious use is located shall apply.
  - (2) The place of worship or religious use shall be serviced by public sanitary sewage facilities.
  - (3) The place of worship or religious use shall be serviced by public water supply facilities or by private water supply facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses.
  - (4) Subordinate uses within the religious use shall be limited to: cafeterias; administrative and professional offices; conference or convention centers; recreational uses; day care facilities; adult day care facilities; and other similar uses that are determined appropriate by the Zoning Hearing Board as part of the special exception application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40 percent of the cumulative gross floor area of all uses within the religious use.
  - (5) All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.
  - (6) All designated areas utilized as a cemetery or burial grounds shall be located at least 50 feet from all property lines and street rights-of-way.
  - (7) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (8) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (9) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency response vehicles, buses and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (10) All proposed signs for the educational use shall comply with the provisions specified under Article 11 of this Zoning Ordinance.

- (11) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line any lot line of a non-residential use and one hundred (100) feet from any lot line of a residential use.
- (B) As part of the special exception application, the applicant shall provide evidence that the place of worship or religious use shall comply with the provisions established within this Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the Upper Bern Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- (C) 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 plan, land development plan and/or zoning permit.
- (D) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Zoning Ordinance.

**Section 807: Business and Office Parks**

- (A) Business and Office Parks, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the HC, GI and AI Zoning Districts subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The following design standards and specifications shall apply to the uses contained within office and business parks:
- (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses within a business or office park.
  - (2) Each use within the business or office park shall be serviced by public sanitary sewer facilities.
  - (3) Each use within the business or office park shall be serviced by public water supply facilities or by on-lot water supply facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses.
  - (4) The permitted uses within a business or office and business park shall be limited to: professional offices; banks or financial institutions; governmental offices; municipal uses; medical or dental offices; and other similar office uses, as determined by the Township as part of the conditional use application.
  - (5) Subordinate uses within the business or office park office shall be limited to: restaurants or cafeterias; retail sales establishments; personal care or service establishments; meeting rooms; day care facilities; adult day care facilities; recreational uses; educational uses; and other similar uses that are determined appropriate by Upper Bern Township as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 20 percent of the cumulative gross floor area of all uses within the business or office park. The accessory uses shall be considered subordinate uses that directly benefit the primary uses within the business or office park.
  - (6) Drive-through establishments shall be prohibited use within the business or office park.

- (7) The following minimum and maximum dimensional requirements shall apply to each principal use within the business or office park:
- (a) The minimum net lot area shall be one (1) acre per lot, whether it is for one individual use on a lot or for multiple permitted uses within a building on a lot.
  - (b) The minimum lot width shall be 200 feet per lot.
  - (c) The front yard setback shall be at least 60 feet, as measured from the right-of-way line.
  - (d) The side yard setback shall be at least 30 feet for each side.
  - (e) The rear yard setback shall be at least 50 feet.
  - (f) Each building occupying a permitted use shall be located at least 100 feet from an existing lot containing an existing residential use.
  - (g) The maximum height of the buildings shall be no more than 50 feet.
  - (h) The maximum building coverage shall be no more than 50 percent of the approved lot.
  - (i) The maximum lot coverage shall be no more than 70 percent of the approved lot.
- (8) Office or non-residential condominiums may be permitted on an individual lot within the office and business park, provided that each use is a permitted use as described in this Zoning Ordinance. The permitted uses shall be designed as self-contained structures without common facilities, which comply with all pertinent requirements of Upper Bern Township. In addition to these requirements, the following provisions shall apply to office or non-residential condominiums:
- (a) The ownership of office condominiums shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The office condominiums must have at least one (1) on-site manager or a designated individual whose office is located within 100 miles of Upper Bern Township. The owner shall provide Upper Bern Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of all uses within the office or non-residential condominiums.
  - (b) The owner or manager shall provide Upper Bern Township with a complete list of tenants located within office or non-residential condominium on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- (9) The architectural features or building facade for the uses within the business or office park shall be harmoniously planned as a non-residential community. As part of the subdivision or land development application, the applicant or developer shall identify the non-residential uses and demonstrate how these uses can be amicably planned considering their architectural appearance.
- (10) Unless otherwise required by the utility company or authority providing service, all uses within the office and business park shall have individual utility connections and shall be installed underground.
- (11) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the office and business park. As part of the conditional use application, the Township may permit a reduction of 10 percent of the required cumulative total off-street parking spaces provided the applicant or developer demonstrates that the uses will not generate additional off-street parking demands from employees, visitors and patrons during peak operational hours.

- (12) All proposed signs for each use within the office and business park shall comply with the provisions specified under Article 11 of this Zoning Ordinance. In addition to these signs, no more than one (1) common on-premises free standing sign shall be permitted along each street in which the office and business park has frontage and shall not exceed 100 cumulative square feet per side. No portion of the common on-premises free standing sign shall be less than 7 feet or greater than 25 feet, as measured from the mean ground elevation.
- (13) The side and rear lot lines of the development shall be adequately screened with a 20 foot wide landscaped buffer yard. The design of the buffer yard and the selected landscape materials shall be subject to the approval of the Board of Supervisors.
- (14) The primary points of ingress and egress to the business or office park shall be along a collector or arterial street. The applicant shall mitigate all potential traffic impacts.
- (15) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
- (16) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (17) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.

(C) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:

- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
- (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
- (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
- (4) Architectural renderings of the proposed building elevations and plan views.
- (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
- (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.
- (7) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the conditional use application.

- (D) As part of the conditional use application, a complete master plan shall be developed for all for contiguous land owned by the applicant.
- (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 land development plan.
- (F) If the Board of Supervisors approves the conditional use application, a complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Zoning Ordinance.

**Section 808: Medical Research Parks**

- (A) Medical Research Parks, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the HC, GI and AI Zoning Districts subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The following design standards and specifications shall apply to the uses contained within medical research parks:
  - (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses within a medical research park.
  - (2) Each use within the medical research park shall be serviced by public sanitary sewage disposal facilities.
  - (3) Each use within the medical research park shall be serviced by public water supply facilities or by private water supply facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses.
  - (4) The permitted uses within a medical research park shall be limited to: hospitals or medical centers; laboratories and research facilities; rehabilitation centers; physical therapy facilities; medical or dentals offices; emergency management services and facilities; emergency management services; heliports or helistops; municipal uses; and other similar office uses, as determined by the Upper Bern Township Board of Supervisors as part of the conditional use application.
  - (5) Subordinate uses within the medical research park shall be limited to: restaurants or cafeterias; professional offices; retail sales establishments; banks or financial institutions; personal care or service establishments; meeting rooms; day care facilities; adult day care facilities; recreational uses; educational uses; religious uses; and other similar uses that are determined appropriate by the Board of Supervisors as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 20 percent of the cumulative gross floor area of all uses within the medical research parks. The accessory uses shall be considered subordinate uses that directly benefit the primary uses within the medical research park.
  - (6) Drive-through facilities and establishments shall be prohibited use within a medical research park.
  - (7) The following minimum and maximum dimensional requirements shall apply to each principal use within the medical research park:
    - (a) The minimum net lot area shall be one (1) acre per lot, whether it is for one individual use on a lot or for multiple permitted uses within a building on a lot.
    - (b) The minimum lot width shall be 200 feet per lot.
    - (c) The front yard setback shall be at least 60 feet, as measured from the ultimate right-of-way line.

- (d) The side yard setback shall be at least 30 feet for each side.
  - (e) The rear yard setback shall be at least 50 feet.
  - (f) Each building occupying a permitted use shall be located at least 100 feet from an existing lot containing an existing residential use.
  - (g) The maximum height of the buildings shall be no more than 50 feet.
  - (h) The maximum building coverage shall be no more than 40 percent of the approved lot.
  - (i) The maximum lot coverage shall be no more than 60 percent of the approved lot
- (8) Office or non-residential condominiums may be permitted on an individual lot within the medical research park, provided that each use is a permitted use as described in this section of the Zoning Ordinance. The permitted uses shall be designed as self-contained structures without common facilities, which comply with all pertinent requirements of the Upper Bern Township Zoning Ordinance. In addition, the following provisions shall apply to office or non-residential condominiums:
- (a) The ownership of office condominiums shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The office condominiums must have at least one (1) on-site manager or a designated individual whose office is located within 100 miles of Upper Bern Township. The owner shall provide Upper Bern Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or individual responsible for the daily operation of the office or non-residential condominiums.
  - (b) The owner or manager shall provide Upper Bern Township with a complete list of tenants located within office or non-residential condominium on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- (9) The architectural features or building facade for the uses within the medical research park shall be harmoniously planned as a non-residential community. As part of the conditional use application, the applicant or developer shall identify the non-residential uses and demonstrate how these uses can be amicably planned considering their architectural appearance.
- (10) Unless permitted as part of a hospital or medical center, all proposed uses providing health care or treatment to patients shall be conducted on an out-patient basis.
- (11) In addition to the provisions specified under this section, hospitals and medical centers shall be designed to comply with requirements specified under Section 806.2 of this Zoning Ordinance.
- (12) Unless otherwise required by the utility company or authority providing service, all uses within the medical research park shall have individual utility connections and shall be installed underground.
- (13) The off-street parking spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the medical research park. As part of the conditional use application, the Board of Supervisors may permit a reduction of 10 percent of the required cumulative total off-street parking spaces provided the applicant or developer demonstrates that the uses will not generate additional off-street parking demands from employees, visitors and patrons during peak operational hours.
- (14) All proposed signs for each use within the medical research park shall comply with the provisions specified under Article 11 of this Zoning Ordinance. In addition to these signs, no more than one (1) common on-premises free standing sign shall be permitted along each street in which the medical research park has frontage and shall not exceed 100 cumulative square feet per side. No portion of the common on-premises free standing sign shall be less than 7 feet or greater than 25 feet, as measured from the mean ground elevation.

- (15) The side and rear lot lines of the development shall be adequately screened with a 20 foot wide landscaped buffer yard. The design of the buffer yard and the selected landscape materials shall be subject to the approval of the Board of Supervisors.
  - (16) The primary points of ingress and egress to the business or office park shall be along a collector or arterial street. As part of the conditional use application, the applicant shall mitigate all potential traffic impacts.
  - (17) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (18) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks, emergency vehicles and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (19) All designated points of ingress and egress for emergency management vehicles shall be located at least 500 feet from a residential zoning district and designed to consider traffic volumes on existing streets and adjacent uses.
  - (20) Heliport or helistops shall only be permitted as part of a hospital or medical center. All heliport or helistop facilities shall be located at least 500 feet from all property lines. All such uses shall be approved by the appropriate local, state and federal authorities.
  - (21) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.
  - (22) All medical waste, bio-hazardous materials, equipment, red bag waste, and other similar items, which because of its potential health risks, shall be discarded in a manner specified by state and federal laws.
  - (23) Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Berks County, which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
- (C) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.



- (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.
  - (7) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the conditional use application.
- (D) As part of the conditional use application, a complete master plan shall be developed for all contiguous land owned by the applicant.
- (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 land development plan.
- (F) If the Board of Supervisors approves the conditional use application, a complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Zoning Ordinance.

**Section 809: Industrial Parks**

- (A) Industrial parks, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use in the HC, GI and AI Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The following design standards and specifications shall apply to the uses contained within industrial parks:
- (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses within an industrial park.
  - (2) Each use within the Industrial Park shall be serviced by public sanitary sewage facilities.
  - (3) Each use within the industrial park shall be serviced by public water supply facilities or by private water supply facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses.
  - (4) The permitted uses within an industrial park shall be limited to: manufacturing facilities; wholesale and distribution facilities; fabrication and finishing facilities; professional offices; banks or financial institutions; governmental offices; municipal uses; and other similar office uses, as determined by the Upper Bern Township Board of Supervisors as part of the conditional use application.
  - (5) Subordinate uses within the industrial park shall be limited to: restaurants or cafeterias; retail sales establishments; personal care or service establishments; meeting rooms; recreational uses; educational uses; and other similar uses that are determined appropriate by the Board of Supervisors as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 20 percent of the cumulative gross floor area of all uses within the industrial park. The accessory uses shall be considered subordinate uses that directly benefit the primary uses within the industrial park.

- (6) Drive-through establishments shall be prohibited use within an industrial park.
- (7) The following minimum and maximum dimensional requirements shall apply to each principal use within the industrial park:
  - (a) The minimum net lot area shall be two (2) acres per lot, whether it is for one individual use on a lot or for multiple permitted uses within a building on a lot.
  - (b) The minimum lot width shall be 250 feet per lot.
  - (c) The front yard setback shall be at least 60 feet, as measured from the ultimate right-of-way line.
  - (d) The side yard setback shall be at least 30 feet for each side.
  - (e) The rear yard setback shall be at least 50 feet.
  - (f) Each building occupying a permitted use shall be located at least 150 feet from an existing lot containing an existing residential use.
  - (g) The maximum height of the buildings shall be no more than 75 feet.
  - (h) The maximum building coverage shall be no more than 40 percent of the approved lot.
  - (i) The maximum lot coverage shall be no more than 60 percent of the approved lot
- (8) Office or non-residential condominiums may be permitted on an individual lot within the industrial park, provided that each use is a permitted use as described in this section of the Zoning Ordinance. The permitted uses shall be designed as self-contained structures without common facilities, which comply with all pertinent requirements of the Upper Bern Township Zoning Ordinance. In addition to these requirements, the following provisions shall apply to office condominiums:
  - (a) The ownership of office condominiums shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The office condominiums must have at least one (1) on-site manager or a designated individual whose office is located within a reasonable distance of Upper Bern Township, as determined appropriate by the Board of Supervisors. The owner shall provide Upper Bern Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of all uses within the office or non-residential condominiums.
  - (b) The owner or manager shall provide Upper Bern Township with a complete list of tenants located within office or non-residential condominium on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use and scheduled hours of operation.
- (9) The architectural features or building facade for the uses within the industrial park shall be harmoniously planned as a non-residential community. As part of the conditional use application, the applicant or developer shall identify the non-residential uses and demonstrate how these uses can be amicably planned considering their architectural appearance.
- (10) Unless otherwise required by the utility company or authority providing service, all uses within the industrial park shall have individual utility connections and shall be installed underground.
- (11) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the industrial park. As part of the conditional use application, the Board of Supervisors may permit a reduction of 10 percent of the required cumulative total off-street parking spaces provided the applicant or developer demonstrates that the uses will not generate additional off-street parking demands from employees, visitors and patrons during peak operational hours.

- (12) All proposed signs for each use within the industrial park shall comply with the provisions specified under Article 11 of this Zoning Ordinance. In addition to these signs, no more than one (1) common on-premises free standing sign shall be permitted along each street in which the office and business park has frontage and shall not exceed 100 square feet per side. No portion of the common on-premises free standing sign shall be less than 7 feet or greater than 25 feet, as measured from the mean ground elevation.
  - (13) The side and rear lot lines of the development shall be adequately screened with a 25 foot wide landscaped buffer yard. The design of the buffer yard and the selected landscape materials shall be subject to the approval of the Board of Supervisors.
  - (14) The primary points of ingress and egress to the industrial park shall be along a collector or arterial street. As part of the conditional use application, the applicant shall mitigate all potential traffic impacts
  - (15) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (16) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (17) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and all adjacent residential uses.
  - (18) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.
- (C) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.

- (7) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the conditional use application.
- (D) As part of the conditional use application, a complete master plan shall be developed for all contiguous land owned by the applicant.
- (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 land development plan.
- (F) If the Board of Supervisors approves the conditional use application, a complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Zoning Ordinance.

**Section 810: Adult Business and Entertainment Uses**

- (A) Adult business and entertainment uses, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the GI Zoning District, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The provisions for adult businesses and entertainment uses are hereby incorporated within this Zoning Ordinance in order to accomplish the following objectives:
  - (1) Pursuant to the authority of the Second Class Township Code, the Upper Bern Township Board of Supervisors has the power to prohibit nuisances and to promote the health, cleanliness, comfort and safety of the citizens of Upper Bern Township.
  - (2) After the review of studies conducted by various cities and municipalities in the United States, as well as various court opinions where such studies are referenced and cited, including the United States Supreme Court decision, The City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), and the United States Court of Appeals for the Third Circuit decision, Mitchell v. Commission on Adult Entertainment Establishments of the State of Delaware, 10 F.3d 123 (3<sup>rd</sup> Cir. 1993), the Board of Supervisors recognizes that adult entertainment uses have the tendency to cause adverse secondary effects that impact on the health, safety and general welfare of Upper Bern Township;
  - (3) The Board of Supervisors desires to restrict the location where adult entertainment uses can locate, to require a reasonable separation distance between such uses and other uses which are not compatible with adult-oriented businesses and to prevent an undue concentration and proliferation of such uses in a close proximity; and
  - (4) The Board of Supervisors is fully aware of and fully respects the fundamental constitutional guarantee of freedom of speech and realizes that restrictions on such freedom must be carefully drafted and enforced so that one's right to speak is not curtailed beyond the point at which it is essential to further Upper Bern Township's interest in public health, safety and welfare.
- (C) The following standards and specifications shall apply to adult businesses and adult entertainment uses:
  - (1) No adult business or entertainment use shall be located within 500 feet of any residential zoning district, as measured from the property line to the residential zoning district line.
  - (2) No adult business or entertainment use shall be located within 1,000 feet of any religious uses, educational uses, day care facilities and recreational uses, as measured from the property line.

- (3) No adult business or entertainment use shall be located within 3,000 feet of an existing adult business or entertainment use, as measured from the property line
- (4) The following minimum and maximum dimensional requirements shall apply to each adult business or entertainment use:
  - (a) The minimum net lot area shall be two (2) acres.
  - (b) The minimum lot width shall be 200 feet per lot.
  - (c) The front yard setback shall be at least 60 feet, as measured from the ultimate right-of-way line.
  - (d) The side yard setback shall be at least 40 feet for each side.
  - (e) The rear yard setback shall be at least 50 feet.
  - (f) The maximum height of the buildings shall be no more than 35 feet.
  - (g) The maximum building coverage shall be no more than 30 percent of the approved lot.
  - (h) The maximum lot coverage shall be no more than 50 percent of the approved lot
- (5) The adult business or entertainment use shall be serviced by public sanitary sewage facilities.
- (6) The adult business or entertainment use shall be serviced by public water supply facilities or by private water supply facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed uses.
- (7) All storage and displays shall be located within the building occupying the adult business or entertainment use.
- (8) All business transactions that are conducted on the premises shall be within an enclosed building. All adult business uses may operate between the hours of 9:00 a.m. and 9:00 p.m.
- (9) All applications for adult business or entertainment uses shall be accompanied by a land development plan. The minimum information required on the site plan shall include:
  - (a) The proposed nature of the adult business or entertainment use.
  - (b) Architectural renderings of the proposed building elevations and plan views.
  - (c) The location and elevation of all buildings, structures, walls, fences and landscaping on the property.
  - (d) Off-street parking areas, loading areas and traffic circulation patterns.
  - (e) The location, dimensions and content of all signs, displays and advertising.
  - (f) A land use survey of all uses located within a 1,000 feet radius of the property.
- (10) All applications for adult business and entertainment uses shall include a statement providing specific information on each individual, partner, store manager(s), corporate officer, corporate director or corporate stockholders owning more than three (3) percent of the issued and outstanding stock of a corporate applicant. At a minimum, the applicant shall identify the complete name, business address and telephone number.

- (11) In the event of the proposed sale, resale or reassignment of interest of an adult business or entertainment use established under the terms of this Zoning Ordinance, the Board of Supervisors and Zoning Officer shall be notified of such proposed change of ownership. Such notification shall include the documentation required by this section of the Zoning Ordinance. Failure to notify the Board of Supervisors and Zoning Officer shall constitute a violation of this Zoning Ordinance, which could lead to the revocation of the use and certificate of occupancy.
- (12) The following requirements pertaining to signs and other visual displays shall apply to each adult business or entertainment uses:
  - (a) The exterior of the building may include one (1) wall sign or parallel sign identifying the name of the adult business or entertainment use, which shall not exceed 20 square feet in size.
  - (b) Free standing signs, banners, directional signs, illuminated signs, portable signs, roof signs, seasonal signs and billboards shall be prohibited on the property.
  - (c) Window signs shall be limited to 25 percent of the total window area and shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.
  - (d) Advertisements, displays or other promotional materials related to specific sexual activities or anatomical area shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
  - (e) All content of all proposed window signs and visual display should be reviewed as part of the conditional use application.
- (13) The entrance of the adult business should include a sign warning all individuals that the premises is classified as an adult business use and/or adult entertainment use.
- (D) If the Zoning Hearing Board approves the special exception application, a complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by this Zoning Ordinance.

**Section 811: Automobile Sales and Automobile Service Stations**

- (A) The provisions for automobile sales are further specified under Section 811.1 of this Zoning Ordinance.
- (B) The provisions for automobile service stations are further specified under Section 811.2 of this Zoning Ordinance.
- (C) The provisions for impoundment facility or yard are further specified under Section 811.3 of this Zoning Ordinance.

**Section 811.1 Automobile Sales**

- (A) The term “automobile sales establishment” an, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the HC Zoning District.
- (B) The following standards and specifications shall be required for automobile sales establishments:
  - (1) A minimum of 2 acres of net land area shall be required to accommodate the use. In addition, the minimum and maximum dimensional requirements of the HC Zoning District shall apply.
  - (2) The automobile sales establishment shall be serviced by public sanitary sewage disposal facilities.
  - (3) The automobile sales establishment shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the use.

- (4) All sales shall be conducted within an enclosed building, which complies with the appropriate requirements for a commercial establishment within Upper Bern Township.
  - (5) General service, maintenance and repair facilities shall be permitted provided that they are conducted within an enclosed building, which complies the requirements for a commercial establishment and that they are considered as accessory uses to the automobile sales establishment.
  - (6) No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the automobile sales establishment shall be permitted.
  - (7) All vehicles stored on the premises for sale shall be located outside of the street right-of-way and no closer than ten (10) feet to any property line. All such vehicles shall be in sound running condition meeting the general inspection and licensing requirements of the Commonwealth of Pennsylvania.
  - (8) All vehicles that have been brought in for service, maintenance or repair shall in a state of active repair and shall not be permitted on the premises for a period of more than ten (10) consecutive days.
  - (9) The demolishing of vehicles for salvage shall be prohibited.
  - (10) The sale of gasoline shall be prohibited.
  - (11) All vehicles sold on the premises shall be stored in an approved off-street parking facility in accordance with the design requirements of Article 10 of this Zoning Ordinance. All vehicles shall be arranged in an orderly manner meeting the setback requirements of the HC Zoning District.
- (C) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration.
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the special exception application.
- (D) 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 plan, land development plan and/or zoning permit.
- (E) If the special exception application is approved by the Zoning Hearing Board, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by Upper Bern Township.

## Section 811.2 Automobile Service Stations

- (A) Automobile service stations, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the HC Zoning District.
- (B) The following standards and specifications shall be required for automobile service station:
- (1) A minimum of 2 acres of net land area shall be required to accommodate the use. In addition the appropriate minimum and maximum dimensional requirements of the HC Zoning District shall apply.
  - (2) The use shall be serviced by public sanitary sewage facilities.
  - (3) The use shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.
  - (4) All general service, maintenance and repair facilities shall be permitted provided that they are conducted within an enclosed building, which complies the appropriate building code requirements for a commercial establishment within Upper Bern Township and that they are considered as accessory uses to the automobile sales establishment.
  - (5) The sale of gasoline, diesel fuel, kerosene or other petroleum products shall be permitted, subject to the following criteria.
    - (a) The maximum number of fueling pumps shall be limited to twelve (12) fuel pumps or twenty four (24) fueling positions.
    - (b) The canopy covering the fuel pumps shall not exceed 20 feet from ground level at its highest point and shall be of a peak-roof design. As part of the conditional use hearing, the Board of Supervisors may permit a greater canopy height up to 30 feet, if the design of the canopy considered as architectural enhancement.
    - (c) All proposed fueling positions shall be located at least 50 feet from any property line including the legal and ultimate right-of-way line.
    - (d) The total area of the canopy not exceed in area shall not exceed in total area of 10,000 square feet. In addition, the canopy shall be considered as part of the building coverage calculations.
    - (e) During non-daylight hours of operation, overhead lighting under the canopy shall illuminate all fueling positions. The canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures shall be prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of gas pumps are permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. All such canopy lighting over fuel dispensing positions shall not exceed an average of 35.0 maintained footcandles.
    - (f) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is ordered by the Board under the circumstances of each application.
    - (g) All gasoline sales associated with a convenience store or mini-market shall comply with the appropriate provisions of Section 822 of this Zoning Ordinance.
  - (6) Automobile sales may be permitted as a subordinate use in order to accommodate or support the automobile service station provided that it is conducted in accordance with the requirements and procedures specified under Section 811.1 of this Zoning Ordinance.



- (7) No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the automobile service establishment shall be permitted. All permitted material that are stored outdoors shall be located outside of the street right-of-way and no closer than ten (10) feet to any property line.
- (8) All vehicles that have been brought in for service, maintenance or repair shall in a state of active repair and shall not be permitted on the premises for a period of more than ten (10) consecutive days.
- (9) The demolishing of vehicles for salvage shall be prohibited.
- (10) Car washing facilities and services may be permitted provided that the facilities are designed in accordance with the following criteria:
  - (a) Gray water recycling and treatment equipment is incorporated as part of the facility operations. All such equipment shall include provisions for the collection of waste, grease, oil, soap, wax, and other materials that can't be recycled or utilized as part of the operations.
  - (b) A stacking or pre-service lane, measuring at least 20 feet in width and 70 feet in length shall be provided for each car washing bay or unit. Alternative designs may be accepted by the Zoning Hearing Board, provided that the design does not interfere with internal or external traffic patterns.
  - (c) A post-washing drying area is provided for two (2) vehicles per car washing bay or unit.
  - (d) All structures housing washing apparatuses shall be set back at least 50 feet from any property line including the legal and ultimate right-of-way line.
- (11) All off-street parking and loading facilities shall be located, designed and constructed in accordance with the requirements of Article 10 of this Zoning Ordinance.

(C) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:

- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
- (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
- (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
- (4) Architectural renderings of the proposed building elevations and plan views.
- (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
- (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the special exception application.
- (7) An Environmental Impact Assessment (EIA) Report shall be conducted in accordance with the procedures and requirements specified by this Zoning Ordinance. At a minimum, the EIA Report shall consider the adverse impacts of fuel spills, tank leaks, groundwater and surface water contamination, air quality, noise, lighting and other adverse impacts considered critical by Upper Bern Township. The EIA Report should identify how the potential adverse impact will be mitigated and/or prevented.

- (D) 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 plan, land development plan and/or zoning permit
- (E) If a special exception is approved by the Zoning Hearing Board, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by Upper Bern Township.

**Section 811.3 Impoundment Facility and Yard**

- (A) Impoundment facility or yards, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the HC Zoning District.
- (B) The following standards and specifications shall be required for Impoundment facility or yard:
  - (1) A minimum of 2 acres of net land area shall be required to accommodate the use. In addition the appropriate minimum and maximum dimensional requirements of the HC Zoning District shall apply.
  - (2) The impoundment facility shall be serviced by public sanitary sewage facilities.
  - (3) The impoundment facility shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.
  - (4) All sales, service, maintenance and repair facilities shall be permitted provided that they are conducted within an enclosed building, which complies the appropriate building code requirements for a commercial establishment within Upper Bern Township and that they are considered as accessory uses to the automobile sales establishment.
  - (5) All impounded motor vehicles shall be located no closer than fifty (50) feet to any property line.
  - (6) The impoundment yard utilized for the temporary storage of automobiles shall be enclosed by a secured fence with a minimum height ranging between six (6) feet and eight (8) feet. The fence should be buffered with landscaping materials to conceal its view.
  - (7) All motor vehicles that have been transported to the facility for impoundment by the authorities having jurisdiction may remain within the impoundment yard for a maximum of 120 consecutive days. Upon the expiration of the 120 day impoundment period, the owner of the impoundment facility shall take the appropriate measures to have the vehicle removed or transferred.
  - (8) Automobile sales and automobile service stations may be permitted as a subordinate use in order to accommodate or support the impoundment facility provided that it is conducted in accordance with the requirements and procedures specified under Sections 811.1 and/or 811.2 of this Zoning Ordinance.
  - (9) The demolishing of vehicles for salvage shall be prohibited.
  - (10) All off-street parking and loading facilities shall be located, designed and constructed in accordance with the requirements of Article 10 of this Zoning Ordinance.
- (C) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
  - (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.

- (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the special exception application.
  - (7) An Environmental Impact Assessment (EIA) Report shall be conducted in accordance with the procedures and requirements specified by this Zoning Ordinance. At a minimum, the EIA Report shall consider the adverse impacts of fuel spills, tank leaks, groundwater and surface water contamination, air quality, noise, lighting and other adverse impacts considered critical by Upper Bern Township. The EIA Report should identify how the potential adverse impact will be mitigated and/or prevented.
- (D) 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 plan, land development plan and/or zoning permit.
- (E) If a special exception is approved by the Zoning Hearing Board, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by Upper Bern Township.

**Section 812: Commercial Campgrounds**

- (A) Commercial campgrounds, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the RC and HC Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The following design standards and specifications shall apply to the uses contained within commercial campgrounds:
- (1) A minimum of 25 acres of contiguous net land area shall be required to accommodate all of the uses within a commercial campground.
  - (2) All facilities within the commercial campgrounds shall be serviced by public sanitary sewage facilities. Unless otherwise permitted by the Upper Bern Township, each use shall have independent connections for sanitary sewage disposal.
  - (3) The commercial campground shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.

- (4) The permitted uses within the commercial campground shall be limited to: one (1) single family detached unit; one (1) retail store with sales limited to items for the convenience of campers; and accessory structures including an office, maintenance buildings and storage areas.
- (5) Subordinate uses within the commercial campground shall be limited to: cafeterias; recreational uses; educational uses; and other similar uses that are determined appropriate by the Board of Supervisors as part of the conditional use application. The accessory uses shall be considered subordinate uses that directly benefit the visitors of the commercial campground.
- (6) The following minimum and maximum dimensional requirements shall apply to each permanent use within the commercial campground:
  - (a) The minimum lot width for the commercial campground shall be 300 feet.
  - (b) The front yard setback shall be at least 100 feet, as measured from the ultimate right-of-way line.
  - (c) The side yard setback shall be at least 100 feet for each side.
  - (d) The rear yard setback shall be at least 100 feet.
  - (e) Common facilities and uses within the commercial campgrounds shall be located at least 100 feet from a lot containing an existing residential use.
  - (f) The maximum height of the buildings shall be no more than 35 feet.
  - (g) The maximum building coverage shall be no more than 20 percent of the approved lot.
  - (h) The maximum lot coverage shall be no more than 40 percent of the approved lot.
- (7) No temporary or permanent campsite shall be located closer than 100 feet from any adjoining property line or street right-of-way line.
- (8) All uses within the commercial campsite shall be harmoniously planned as a community for vacation, retreats and temporary occupancy. As part of the conditional use application, the applicant or developer shall identify the locations of all permanent and temporary uses and demonstrate how these uses can be amicably planned considering their function and appearance.
- (9) Campsites for tents shall be limited to thirty (30) tents per acre.
- (10) Campsites for recreational vehicles shall be limited to fifteen (15) pads or sites per acre.
- (11) Other than the approved utility provisions, no permanent structures shall be permitted on any campsite lot.
- (12) No permanent occupancy shall be permitted on the commercial campgrounds.
- (13) Recreational vehicles shall not be stored on the grounds of the commercial campgrounds for a period of 30 consecutive days or 60 cumulative days within a calendar year.
- (14) No part of any campground area shall be used for non-residential purposes, except those purposes required for serving the well-being of the campground customers and for the management and maintenance of the campground.
- (15) Unless otherwise required by the utility company or authority providing service, all uses within the commercial campgrounds shall have individual utility connections and shall be installed underground.
- (16) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the commercial campground.

- (17) All proposed signs for commercial campgrounds shall comply with the appropriate provisions specified under Article 11 of this Zoning Ordinance.
  - (18) All perimeter boundary lines of the commercial campground shall be adequately screened with a 50 foot wide landscaped buffer yard. The use of natural, native and existing vegetation shall be encouraged as part of the design of the landscaped buffer yard.
  - (19) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes, as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (20) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of recreation vehicle, camper and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (21) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and all adjacent residential uses.
  - (22) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 100 feet from any lot line.
- (C) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping and grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, buffer yards, landscaping improvements, and other natural or man-made features of the site.
  - (3) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.
  - (4) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the conditional use application.
  - (5) A fire prevention and protection plan shall be developed by the applicant or developer and submitted to Upper Bern Township.
- (D) 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 land development plan.
- (E) If the conditional use application is approved by Upper Bern Township, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.

### **Section 813: Commercial Drive Through Establishments**

- (A) Commercial drive through establishments, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the SV and HC Zoning Districts subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The following design standards and specifications shall apply to the uses contained within commercial drive through establishments:
  - (1) A minimum of 50,000 square feet of contiguous net land area shall be required to accommodate all of the facilities within a commercial drive through establishment. In addition, the minimum and maximum dimensional requirements for a commercial drive through establishment, as specified by the HC Zoning District shall apply.
  - (2) Commercial drive through establishments shall be limited to: restaurants; banks or financial institutions; car washes; personal service establishments; retail uses; and other similar uses, which are permitted uses within the SV and HC Zoning Districts.
  - (3) The commercial drive through establishment shall be serviced by public sanitary sewage facilities.
  - (4) The commercial drive through establishment shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.
  - (5) Commercial drive through establishments shall be located at least 150 feet from an existing residential use or residential zoning district, as measured from the property line.
  - (6) The side and rear lot lines of the commercial drive through establishment shall be adequately screened with a 10 foot wide landscaped buffer yard.
  - (7) Unless otherwise required by the utility company or authority providing service, all utility connections and shall be installed underground.
  - (8) All means of ingress and/or egress shall be located at least 150 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (9) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (10) A stacking or pre-service lane, measuring at least 20 feet in width and 70 feet in length shall be provided for each service lane or bay for the commercial drive through facility. Alternative designs may be accepted by the Board of Supervisors as part of the conditional use application, provided that the design does not interfere with internal or external traffic patterns.
  - (11) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
  - (12) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance.

- (13) All proposed signs for the commercial drive through establishment shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (14) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.
  - (15) All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other audible sounds are reduced by 80 percent from the source to any property line.
  - (16) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.5 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle.
- (C) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.
  - (7) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the conditional use application.
- (D) 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 land development plan.
- (E) If the Board of Supervisors approves the conditional use application, a complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Zoning Ordinance.

#### **Section 814: Commercial Water Resource Use**

- (A) Commercial water resource uses, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the GI and AI Zoning Districts subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) Commercial water resource uses shall be limited to: groundwater extraction and exportation operations; surface water extraction and exportation operations; bottling and distribution facilities; and other similar uses, as determined by the Upper Bern Township Zoning Officer.
- (C) The following design standards and specifications shall apply to the uses contained within commercial water resource uses:
  - (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the operational facilities within a commercial water resource use.
  - (2) The principal and accessory building located on the site of the commercial water resource use shall be located in a manner to comply with the appropriate dimensional setback requirements designated for the GI or AI Zoning Districts.
  - (3) The commercial water resource use shall be approved and permitted by the appropriate local, state and federal regulatory agencies.
  - (4) The commercial water resource use shall be serviced by public sanitary sewage facilities.
  - (5) The commercial water resource use shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.
  - (6) Unless otherwise permitted by Upper Bern Township, all facility operations, uses, intake devices, wells, pumps, storage tanks and principal buildings associated with the commercial water resource use shall be located at least 200 feet from all property lines.
  - (7) All facility operations, uses, intake devices, wells, pumps, storage tanks and principal buildings associated with the commercial water resource use shall be located at least 2,500 feet from all existing production wells or intake devices utilized for public water supply.
  - (8) The perimeter of the property shall be completely enclosed by a security fence, which shall be eight (8) feet in height.
  - (9) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (10) All means of ingress and/or egress shall be located at least three hundred (300) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (11) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and adjacent residential uses.
  - (12) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance.
  - (13) All proposed signs for the commercial water resource use shall comply with the provisions specified under Article 11 of this Zoning Ordinance.



- (14) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.
- (D) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete hydrological report, analysis and impact plan of the surface water and groundwater conditions shall be prepared by a professional hydrogeologist, which meets the following objectives and requirements:
    - (a) The professional hydrogeologist preparing the report shall certify that the commercial water resource use shall be supplied by a continuous safe daily yield, which will not adversely affect the quantity or quality of the surface water and groundwater table within two thousand (2,000) feet of the source of extraction.
    - (b) If appropriate, a dynamic recovery rate and draw-down tests shall be conducted by the professional hydrogeologist preparing the report to determine the maximum safe daily yield of the commercial water resource operations.
    - (c) All such applications for the commercial water resource use shall demonstrate that the adjacent public and private water supply sources will not adversely be affected by discontinued use, contamination, loss of supply, or the ability to properly recharge over time.
    - (d) The professional hydrogeologist preparing the report shall consult with the Upper Bern Township Engineer and Zoning Officer prior to commencement of the background studies to determine if other conditions should be analyzed as part of the report.
    - (e) The hydrological report, analysis and impact plan shall be subject to the review of the Upper Bern Township Engineer, Zoning Officer, or other professional consultant(s) qualified to render an opinion of the information submitted on behalf of the applicant.
  - (2) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (3) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (4) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (5) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.
  - (6) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the conditional use application.
- (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 land development plan.

- (F) If the Board of Supervisors approves the conditional use application, a complete land development plan shall be submitted for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.

**Section 815: Veterinary Hospitals and Animal Clinics**

- (A) Veterinary hospitals and animal clinics, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AP, HC and AI Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) A veterinary hospital or animal clinic shall not include a “kennel”, as defined under Article 2 of this Zoning Ordinance. A kennel operation may be permitted by special exception within the AP and AI Zoning District, provided that the use, facilities and operations comply with the provisions of Section 816 of this Zoning Ordinance.
- (C) The following design standards and specifications shall apply to veterinary hospitals or animal clinics:
- (1) A minimum of 50,000 square feet of contiguous net land area shall be required to accommodate all of the uses associated with a veterinary hospital or animal clinic. In addition, the minimum and maximum dimensional requirements for a veterinary hospital or animal clinic, as specified by the zoning district in which the use is located shall apply.
  - (2) The veterinary hospital or animal clinic shall be serviced by public sanitary sewage facilities or with on-lot sewage facilities with sufficient capacities.
  - (3) The veterinary hospital or animal clinic shall be serviced by a public water supply system or by a private water supply system approved by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.
  - (4) Veterinary hospitals or animal clinics shall be located at least 200 feet from all existing residential uses, as measured from the veterinary hospital or animal clinic to the existing residential use.
  - (5) Outdoor runs may be permitted for the animals being cared for at the veterinary hospital or animal clinic, subject to the following conditions:
    - (a) The outdoor runs are conducted between the hours of 8:00 a.m. and 8:00 p.m.
    - (b) The outdoor runs are conducted within a defined area, which is completely enclosed by a six (6) foot high fence. The perimeter of the fence shall be adequately screened with a 10 foot wide landscaped buffer yard.
    - (c) The location of the outdoor runs shall be located at least one hundred (100) feet from all property lines.
  - (6) The veterinary hospital or animal clinic shall be adequately soundproofed so that the sounds generated by the animals being cared for are not audible or detectable from any lot line.
  - (7) If an incineration (retort) device is proposed to be installed on the property, the applicant shall prove during the conditional use application that he has secured the written approval and all required licenses from the governmental agency having jurisdiction, and approval thereof shall be within the reasonable discretion of the Board of Supervisors, subject to such reasonable conditions as the Board of Supervisors shall impose in its discretion.
  - (8) The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending removal to or disposal at an approved facility. A plan for management of such wastes shall be submitted for municipal review as part of the special exception application.

- (9) Retail sales of items commonly found in connection with such uses, if any, shall be limited to a maximum floor area of 1,000 square feet.
  - (10) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (11) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
  - (12) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance.
  - (13) All proposed signs for the veterinary hospital or animal clinic shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (14) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.
  - (15) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.5 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle.
- (D) 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 plan, land development plan and/or zoning permit.
- (E) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by Upper Bern Township.

**Section 816: Kennels**

- (A) Kennels, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AP and AI Zoning District, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) A kennel may include accessory uses including: pet grooming services; veterinary or clinical care facilities; retail sales of pet supplies; and other similar uses.
- (C) The following design standards and specifications shall apply to kennels:
- (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses associated with a kennel.
  - (2) The minimum lot width requirement for the lot occupying the kennel use shall be 300 feet.
  - (3) All principal and accessory uses associated with the kennel shall be located at least one hundred (100) feet from the ultimate right-of-way line and all property lines.
  - (4) Kennels shall be located at least 500 feet from all existing residential uses, as measured from the kennel to the existing residential use.
  - (5) The kennel shall be serviced by public sanitary sewage facilities or with on-lot sewage facilities with sufficient capacities.

- (6) The kennel shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.
- (7) Outdoor runs or common exterior areas may be permitted for the animals being cared for at the kennel, subject to the following conditions:
  - (a) The outdoor runs are conducted between the hours of 7:00 a.m. and 9:00 p.m.
  - (b) The outdoor runs are conducted within a defined external area, which is completely enclosed by an eight (8) foot high fence. The perimeter of the fence shall be adequately screened with a 20 foot wide landscaped buffer yard.
  - (c) The location of the outdoor runs shall be located at least one hundred (100) feet from all property lines.
- (8) If an incineration (retort) device is proposed to be installed on the property, the applicant shall prove during the conditional use application that he has secured the written approval and all required licenses from the governmental agency having jurisdiction, and approval thereof shall be within the reasonable discretion of the Board of Supervisors, subject to such reasonable conditions as the Board of Supervisors shall impose, as part of the conditional use application.
- (9) The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending removal to or disposal at an approved facility. A plan for management of such wastes shall be submitted for municipal review as part of the conditional use application.
- (10) Retail sales of items commonly found in connection with such uses, if any, shall be limited to a maximum floor area of 1,000 square feet.
- (11) Shows and/or competitions, which are proposed to occur on the property shall be limited to two (2) events per calendar year. All events shall be specifically designated by the applicant and a permit will be required to facilitate each event.
- (12) The owner of animals or operator of a kennel shall comply with all pertinent provisions relating to noise, disturbance, odors, or other nuisances, as further defined and regulated by Upper Bern Township.
- (13) Unless otherwise required by the utility company or authority providing service, all utility connections and shall be installed underground.
- (14) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
- (15) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance.
- (16) All proposed signs for the kennel shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
- (17) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.

- (18) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.5 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle.
- (D) 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 plan, land development plan and/or zoning permit.
- (E) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by Upper Bern Township.

**Section 817: Mini-Warehouse and Self-Storage Facilities**

- (A) Mini-warehouse or self-storage units, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the GI and AI Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The following design standards and specifications shall apply to a mini-warehouse or self-storage facility:
- (1) A minimum of 5 acres of contiguous net land area shall be required to accommodate all of the uses associated with a mini-warehouse or self-storage facility. In addition, the minimum and maximum dimensional requirements for a mini-warehouse or self-storage facility, as specified by the zoning district in which the use is located shall apply.
  - (2) A buffer yard shall be established within the required front, side and rear yards of the lot in which the units are proposed. The minimum depth or width of the required buffer yard shall be thirty (30) feet. The buffer yard shall be designed and improved with a four (4) foot high raised landscaped berm, with a side slope ratio of 3 foot horizontal to 1 foot vertical, and containing a mixed variety of trees (evergreen, canopy and flowering).
  - (3) The mini-warehouse or self-storage units must be enclosed and contained by an eight (8) foot security fence, with a twenty-four (24) hour automated access gate. The type, location, height and arrangement of the security fence and automated access gate shall be subject to the approval of Upper Bern Township. Where required by Upper Bern Township, additional landscaping materials shall be provided in order to screen the security fence from all public roads and all adjacent properties.
  - (4) The entrance and all vehicular access aisles shall be a minimum of twenty-four (24) feet in width and shall be unobstructed by vehicles and/or equipment. The entrance or main entrance shall be paved and landscaped from the cartway of the public road to a point fifty (50) feet within the automated access gate.
  - (5) The outdoor storage and/or parking of recreational vehicles, boats, campers, trailers or similar vehicles, shall only be permitted behind the proposed buildings and within the rear yard of the lot. The required buffer yard should conceal the view of all such vehicles. The design and location of the outdoor storage area and/or parking area shall be schematically arranged in accordance with the Upper Bern Township Zoning Ordinance.
  - (6) The storage of partially dismantled, wrecked and/or inoperative vehicles shall not be permitted within any exterior area of the mini-warehouse or self-storage operation.
  - (7) Other than as set forth herein, all storage shall be kept within an enclosed building except the storage of flammable, high combustible, explosive or hazardous chemicals, which shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying on such fuel shall be stored only in an external storage area described within this section.

- (8) Based upon the risk or danger of fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited within a mini-warehouse or self-storage unit.
  - (9) All exterior lighting and signs for the self storage operation shall conform with all applicable requirements of the Upper Bern Township Zoning Ordinance. Exterior lighting shall be limited to security lighting, which shall be designed not to exceed 0.25 footcandle along the perimeter of the property lines so as to preclude trespass glare onto adjacent properties. As part of the land development plan, a lighting plan shall be submitted for review and consideration.
  - (10) Mini warehouses/self storage units shall be used solely for the dead storage of property. The following are examples of uses specifically prohibited on the site: auctions (except storage lien auctions), commercial wholesale or retail sales (except ancillary supplies normally sold at self storage centers), or garage sales; the servicing, repair, or fabrication of motor vehicles, motor cycles, boats, trailers, lawn mowers, appliances, or similar equipment; the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment; the establishment of a transfer or storage business except the owner/operator of the self storage; any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations; retail sales and services; residential uses; and other uses determined inappropriate by the Upper Bern Township Zoning Officer.
  - (11) A minimum of one (1) off-street parking space shall be required per 10,000 square feet of cumulative building space within the mini-warehouse or self-storage facility. The off-street parking spaces shall be in addition to the spaces designated for vehicular storage.
  - (12) One (1) office area or building may be included within the site of the mini-warehouse or self storage operation. The office use shall not exceed 2,500 square feet and shall be subordinate and/or accessory to the mini-warehouse self-storage operation.
  - (13) Each building shall be a fully enclosed building, built of durable materials on a permanent foundation.
  - (14) Truck trailers, box cars or similar impermanent removable structures shall not be used as buildings for self storage units.
  - (15) The architectural design and appearance of the mini-warehouse or self storage units shall be subject to the approval of the Upper Bern Township Planning Commission and Board of Supervisors.
  - (16) All uses shall be in conformity with all provisions of the Upper Bern Township Zoning Ordinance. No use of the mini-warehouse or storage units shall violate any local, county, state and federal laws.
- (C) 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 plan, land development plan and/or zoning permit.
- (D) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by Upper Bern Township.

**Section 818: Quarrying and Mining Operations**

- (A) Quarrying and mining operations, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the AP and AI Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The following design standards and specifications shall apply to a quarrying and mining operation:
  - (1) A minimum of 20 acres of contiguous net land area shall be required to accommodate all of the uses associated with a quarrying and mining operation.

- (2) The office and maintenance buildings for the quarrying and mining operation shall be serviced by public sanitary sewage facilities or by on-lot sanitary sewer facilities approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection.
- (3) The quarrying and mining operations shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the use.
- (4) The minimum lot width requirement for the quarrying and mining operation shall be 300 feet.
- (5) Quarrying and/or mining activities shall not be conducted within two hundred (200) feet of any property line or street right-of-way line.
- (6) Access to the site of the quarrying and mining operation shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized activities, the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least eight (8) feet in height and shall be kept in good repair.
- (7) All means of ingress and/or egress shall be located at least five hundred (500) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
- (8) No vehicles shall be staged or parked at any entrance and/or access road of the site prior to one (1) hour of the standard operation hours of the quarrying or mining facility. Overnight parking shall be prohibited.
- (9) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- (10) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- (11) A tire cleaning area shall be provided on-site. All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.
- (12) A security fence with a minimum height of eight (8) feet shall be erected along all boundary lines of the area, which is approved for operational use as a quarry or mine. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates, which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than fifty (50) feet.
- (13) A fifty (50) foot wide buffer yard shall completely surround all areas approved for operational use as a quarry or mine. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on twelve (12) foot centers. No materials of any nature shall be stored within this buffer yard.
- (14) All blasting operations shall conform to the regulations enforced by the appropriate agencies of the Commonwealth of Pennsylvania and the federal government. Notice of all blasting operations shall be given at least twenty-four (24) hours prior to the commencement of blasting to Upper Bern Township and to the occupants of all properties within a radius of 1,000 feet of the location of blasting. In addition, notice shall be given to all sensitive business ventures requesting such notice.

- (15) The storage of explosives shall be in accordance with all pertinent local, state and federal laws.
  - (16) Crushing and processing operations of the minerals, rock and other products of the earth mined on the premises shall be permitted so long as the physical or chemical properties of the same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.
  - (17) Quarry support activities and uses, as further defined under Article 2 of this Zoning Ordinance, may be permitted as an accessory or subordinate use to the quarrying and mining activities provided that the quarry support activities and use have been approved by the Upper Bern Township Board of Supervisors as part of a special exception application.
  - (18) No substances, which can harm persons, animals, vegetation or other form of property shall be dispersed beyond the property lines of the quarrying or mining operation.
  - (19) The applicant shall comply with all locals, state and federal requirements pertaining to the operation of quarrying and mining facility. A copy of all permits and licenses issued to the applicant shall be submitted to Upper Bern Township.
- (C) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete hydrological report, analysis and impact plan shall be prepared by a professional hydrogeologist, geologist or engineer, which shall demonstrate the proposed quarrying or mining operation will not adversely affect the quantity or quality of the surface water and groundwater table within one thousand (1,000) feet of the source of operations.
  - (2) A geological and geotechnical site investigation shall be prepared by a professional geologist, which shall demonstrate that the surrounding area is not prone to sinkhole development.
  - (3) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site or relocated to accommodate the quarrying and mining operation.
  - (4) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (5) A preliminary grading plan shall be developed identify the limits of disturbance for all site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the special exception application.
  - (7) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the special exception application.
- (D) 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 plan, land development plan and/or zoning permit.
- (E) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.



## **Section 819: Solid Waste Disposal and Reduction Facilities**

- (A) Solid waste disposal and reduction facilities, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the GI Zoning District, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) All solid waste disposal and/or reduction facilities shall comply with all local, county, state and federal laws governing the ownership, operation and maintenance of such facilities, which shall have the appropriate permits to operate the solid waste disposal and/or reduction facilities in accordance.
- (C) The following design standards and specifications shall apply to a solid waste disposal and/or reduction facilities:
  - (1) A minimum of 20 acres of contiguous net land area shall be required to accommodate all of the uses associated with a solid waste disposal and/or reduction facilities.
  - (2) The offices and maintenance buildings for the solid waste disposal and/or reduction facility shall be serviced by public sanitary sewage facilities.
  - (3) The solid waste disposal and/or reduction facility shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.
  - (4) The minimum lot width requirement for the solid waste disposal and/or reduction facility shall be 300 feet.
  - (5) All solid waste disposal and/or reduction facilities shall be located at least two hundred (200) feet from any property line or street right-of-way line.
  - (6) All means of ingress and/or egress shall be located at least five hundred (500) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (7) Access to the site of the solid waste disposal and/or reduction facility shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized activities, the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least twelve (12) feet in height and shall be kept in good repair.
  - (8) No vehicles shall be staged or parked at any entrance and/or access road of the site prior to one (1) hour of the standard operation hours of the solid waste disposal and/or reduction facility. Overnight parking shall be prohibited.
  - (9) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
  - (10) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of dirt, mud or other such substances on public roads.
  - (11) An equipment cleaning and tire cleaning area shall be provided on-site. All equipment used to dispose, dump, move, transport, grade, and compact solid waste shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent local, state and federal laws.

- (12) All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent local, county, state or federal standards.
  - (13) A security fence with a minimum height of twelve (12) feet shall be erected along all boundary lines of the area, which is approved for a solid waste disposal and/or reduction facility. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates, which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than fifty (50) feet.
  - (14) A fifty (50) foot wide buffer yard shall completely surround all areas approved for the solid waste disposal and/or reduction facility. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on twelve (12) foot centers. No materials of any nature shall be stored within this buffer yard.
  - (15) No substances, which can harm persons, animals, vegetation or other form of property shall be dispersed beyond the property lines of the solid waste disposal and/or reduction facility.
  - (16) The applicant shall comply with all locals, state and federal requirements pertaining to the solid waste disposal and/or reduction facility. A copy of all permits and licenses issued to the applicant shall be submitted to Upper Bern Township.
  - (17) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radio-active materials, shall not be disposed of in the solid waste disposal and/or reduction facility.
  - (18) The operator shall comply with all local, state and federal laws concerning stabilization, stormwater management, and erosion and sedimentation control.
  - (19) Routine inspections of the entire site shall be permitted to take place by any local, county, state or federal official who has proper authorization to conduct such inspections. Any necessary corrective work or action shall be performed by the applicant in the time frame specified by the authorized inspector.
  - (20) All components of the solid waste disposal and/or reduction facility shall be conducted within an approved facility, building, cell site, area, transfer site, or other area permitted by the appropriate local, state and federal agencies.
  - (21) All solid waste materials awaiting disposal and/or reduction shall be stored or staged in a manner or period of time, which does not exceed the requirements specified on the permit.
  - (22) The solid waste disposal and/or reduction facility shall contain an on-site scale, which shall be accurately calibrated to weigh and record all solid waste that is disposed or reduced in a manner permitted by the Commonwealth of Pennsylvania. All records concerning the daily tonnage, which is delivered, transported, disposed and/or reduced shall be submitted to Upper Bern Township on a monthly basis.
- (D) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete hydrological report, analysis and impact plan shall be prepared by a professional hydrogeologist, who shall demonstrate the proposed solid waste disposal and/or reduction facility will not adversely affect the quantity or quality of the surface water and groundwater table within two thousand (2,000) feet of the source of operations.
  - (2) A geological and geotechnical site investigation shall be prepared by a professional geologist, which shall demonstrate that the surrounding area is not prone to sinkhole development from the preparation stages through the post-closure stages.

- (3) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site or relocated to accommodate the solid waste disposal and/or reduction facility.
  - (4) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (5) A preliminary grading plan shall be developed identify the limits of disturbance for all site improvements, the proposed ground elevations, erosion and sedimentation control facilities, stormwater management facilities, and other natural or man-made features of the site.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the special exception application.
  - (7) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the special exception application.
  - (8) A contingency plan for the disposal and/or reduction of solid waste during any discontinuation of the normal operations.
- (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 plan, land development plan and/or zoning permit.
- (F) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.

**Section 820: Junk Yards and Salvage Yards**

- (A) Junk yards and/or salvage yards, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the GI Zoning District, subject to the appropriate provisions specified within the Zoning Ordinance.
- (B) The following design standards and specifications shall apply to a junk yard or salvage yard:
- (1) A minimum of 20 acres of contiguous net land area shall be required to accommodate all of the uses associated with a junk yard or salvage yard.
  - (2) The offices and maintenance buildings for the junk yard and/or salvage yard shall be serviced by public sanitary sewage facilities.
  - (3) The junk yard and/or salvage yard shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.
  - (4) The minimum lot width requirement for the junk yard of salvage yard shall be 300 feet.
  - (5) All junk yards and/or salvage yards shall be located at least one hundred (100) feet from any property line or street right-of-way line.

- (6) All means of ingress and/or egress shall be located at least five hundred (500) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
- (7) Access to the site of the junk yard and/or salvage yard shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized activities, the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least eight (8) feet in height and shall be kept in good repair.
- (8) No vehicles shall be staged or parked at any entrance and/or access road of the site prior to one (1) hour of the standard operation hours of the junk yard and/or salvage yard facility. Overnight parking shall be prohibited.
- (9) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- (10) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of dirt, mud or other such substances on public roads.
- (11) An equipment cleaning and tire cleaning area shall be provided on-site. All equipment used to dispose, dump, move, transport, grade, and compact solid waste shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent local, state and federal laws.
- (12) All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent local, county, state or federal standards.
- (13) A security fence with a minimum height of eight (8) feet shall be erected along all boundary lines of the area, which is approved for a junk yard and/or salvage yard. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates, which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than fifty (50) feet.
- (14) A fifty (50) foot wide buffer yard shall completely surround all areas approved for the junk yard and/or salvage yard. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on twelve (12) foot centers. No materials of any nature shall be stored within this buffer yard.
- (15) No substances, which can harm persons, animals, vegetation or other form of property shall be dispersed beyond the property lines of the junk yard and/or salvage yard.
- (16) The applicant shall comply with all locals, state and federal requirements pertaining to the junk yard and/or salvage yard. A copy of all permits and licenses issued to the applicant shall be submitted to Upper Bern Township.
- (17) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radio-active materials, shall not be disposed of in the junk yard and/or salvage yard.
- (18) The operator shall comply with all local, state and federal laws concerning stabilization, stormwater management, and erosion and sedimentation control.
- (19) All junk and salvage shall be stored and arranged so as to permit access to emergency management equipment and to prevent accumulation of stagnant water.

- (20) No materials of any nature shall be piled to a height of more than eight (8) feet from ground elevation.
  - (21) All liquids and/or fluids shall be drained from any junk or scrapped automobiles.
- (C) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete hydrological report, analysis and impact plan shall be prepared by a professional hydrogeologist, which shall demonstrate the proposed facility will not adversely affect the quantity or quality of the surface water and groundwater table within one thousand (1,000) feet of the source of operations.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed identify the limits of disturbance for all site improvements, the proposed ground elevations, erosion and sedimentation control facilities, stormwater management facilities, and other natural or man-made features of the site.
  - (4) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the special exception application.
  - (5) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the special exception application.
- (D) 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 plan, land development plan and/or zoning permit.
- (E) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.

**Section 821: Trucking or Motor Freight Establishments, Terminals and Convenience Centers**

- (A) Trucking or motor freight establishments and trucking or motor freight convenience centers, as further defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the GI and AI Zoning Districts, subject to the appropriate provisions specified within this Zoning Ordinance.
- (B) The following design standards and specifications shall apply to a trucking or motor freight establishments, terminals and/or convenience centers:
- (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses associated with a trucking or motor freight establishments, terminals and/or convenience centers.
  - (2) The trucking or motor freight establishment, terminal and/or convenience center shall be serviced by public sanitary sewage facilities.
  - (3) The trucking or motor freight establishment, terminal and/or convenience center shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the special exception application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.

- (4) The minimum lot width requirement for the lot occupying the trucking or motor freight terminal shall be 300 feet. In addition, the minimum and maximum dimensional requirements for trucking or motor freight establishments, terminals and/or convenience centers, as specified by the zoning district in which the use is located shall apply.
- (5) All trucking or motor freight establishments, terminals and/or convenience centers shall be located at least sixty (60) feet from any property line or street right-of-way line.
- (6) All means of ingress and/or egress shall be located at least five hundred (500) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
- (7) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
- (8) Measures shall be provided to control dust and debris. The entire area shall be properly maintained and the perimeter of the site shall be inspected for debris on a daily basis.
- (9) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time exceeding 30 consecutive minutes or 90 cumulative minutes within any 24 hour time period.
- (10) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the owner or manager. All trucks leaving the site shall not deposit accumulating amounts of dirt, mud or other such substances on public roads.
- (11) A thirty (30) foot wide buffer yard shall completely surround all areas approved for the trucking or motor freight establishment, terminal and/or convenience center. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on fifteen (15) foot centers. No materials of any nature shall be stored within this buffer yard.
- (12) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radioactive materials, shall not be stored at the site of the trucking or motor freight terminal.
- (13) The owner or manager shall comply with all local, state and federal laws concerning stabilization, stormwater management, and erosion and sedimentation control.
- (14) All vehicle service, maintenance and repair activities shall be conducted within an enclosed building, which has been approved and permitted by Upper Bern Township.
- (15) All vehicles that have been brought in for service, maintenance or repair shall be in a state of active repair and in no case shall be stored on the premises for thirty (30) consecutive days.
- (16) The outdoor storage of unlicensed or non-inspected vehicles or trailers shall be prohibited.
- (17) All trucks, trailers and commercial vehicles stored on the property shall be arranged so as to permit access to emergency management equipment. The off-street parking and loading spaces shall be designed and constructed to comply with the provisions that are specified under Article 10 of this Zoning Ordinance.
- (18) All proposed signs shall comply with the provisions that are specified under Article 11 of this Zoning Ordinance.

- (19) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot.
- (C) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (2) A preliminary grading plan shall be developed identify the limits of disturbance for all site improvements, the proposed ground elevations, erosion and sedimentation control facilities, stormwater management facilities, and other natural or man-made features of the site.
  - (3) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the special exception application.
  - (4) An Environmental Impact Assessment Report shall be conducted in order to assess existing and proposed site conditions. The Environmental Impact Assessment Report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The Environmental Impact Assessment Report shall be submitted to Upper Bern Township with the special exception application.
- (D) 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 plan, land development plan and/or zoning permit.
- (E) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.

**Section 822: Convenience Stores and Mini-Markets**

- (A) Convenience stores or mini-markets, as defined under Article 2 of this Zoning Ordinance, are a permitted by conditional use within the SV, RC and HC Zoning Districts.
- (B) All convenience stores or mini-markets shall comply with the minimum and maximum dimensional requirements established for the zoning district to which it is located.
- (C) All convenience stores or mini-markets shall be designed in accordance with the following design requirements:
- (1) The convenience store or mini-market shall contain a minimum gross floor area of not less than 4,000 square feet and a maximum gross floor area of not more than 10,000 square feet, exclusive of any area of such lot being used for gasoline pump dispensers and the canopy over such dispensers.
  - (2) The convenience store or mini-market shall be serviced by public sanitary sewage facilities.
  - (3) The convenience store or mini-market shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the use.

- (4) The maximum number of fueling pumps (one pump shall serve a maximum of two fueling positions only) shall be permitted based upon the size of the building housing the convenience store, which shall be specified as follows:

<b>Convenience Store/Mini-Market Gross Floor Area</b>	<b>Maximum Number of Fuel Pumps</b>	<b>Maximum Number of Fueling Positions</b>
4,000 square feet to 5,000 square feet	5	10
5,000 square feet to 6,000 square feet	6	12
6,000 square feet to 8,000 square feet	7	14
8,000 square feet to 10,000 square feet	8	16

- (5) As part of the conditional use application, the Board of Supervisors may require a reduction of the total number of fuel pumps if, in its evaluation of the applicant's traffic study, it determines that safe and convenient vehicular circulation cannot be accommodated on the site.
- (6) The canopy covering the fuel pumps shall not exceed 20 feet from ground level at its highest point and shall be of a peak-roof design. The Board of Supervisors may permit a greater canopy height up to 30 feet if the design of the canopy is considered as architectural enhancement.
- (7) The canopy shall not exceed in area (as measured in square feet) the gross floor area of the convenience store or mini-market building. However, the canopy shall not exceed in total area of 7,000 square feet.
- (8) The convenience store or mini-market shall be constructed with brick, stone and stucco, or such combination thereof as is approved by the Board of Supervisors, facing on all four sides of the building from the ground level to the roof.
- (9) The following provisions for exterior lighting shall apply to all proposed convenience stores or mini-markets:
- (a) All gasoline pump dispensers shall be covered by a canopy and shall be illuminated by overhead lighting during non-daylight hours. Canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures are prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of gas pumps are permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. Outdoor canopies include, but are not limited to, fuel island canopies associated with service stations and convenience stores and exterior canopies above storefronts. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Canopy lighting over fuel dispensing positions shall not exceed an average of 35.0 maintained footcandles.
  - (b) Lighting for parking areas shall provide an illumination level utilizing currently recommended standards of the Illuminating Engineering Society of North America, unless a more stringent standard is imposed as a condition of a conditional use approval granted by the Board of Supervisors under the circumstances of each application. Exterior lighting of the building is precluded, except as determined necessary by the Board of Supervisors for security. The Board of Supervisors may preclude any exterior lighting that in its judgment adversely affects adjoining properties.
  - (c) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is ordered by the Board under the circumstances of each application.
- (10) All designated points of ingress and egress to and from the lot shall be designed to promote safe and convenient access, as finally approved by the Upper Bern Township Engineer and Zoning Officer.



- (11) The internal vehicular circulation pattern of any lot upon which a convenience store with gasoline sales is proposed shall be designed so as to prevent vehicles waiting for such gasoline service from stacking onto public streets. In addition to the required minimum parking spaces, there shall be a minimum of one vehicular stacking space for each fueling position.
  - (12) Hand equipment intended to be utilized for the washing of windows of motor vehicles, as well as places for the storage of such equipment, may be permitted as an accessory feature.
  - (13) The applicant shall submit a traffic study with the conditional use application demonstrating the adequacy of existing or proposed streets to accommodate any increase in traffic from the proposed use and the adequacy of the proposed vehicular interior circulation on the lot.
- (D) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.
  - (E) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance.
  - (F) All proposed signs shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (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 land development plan.
  - (H) If the Board of Supervisors approves the conditional use application, a complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.

**Section 823: Commercial Outdoor Sales**

- (A) Unless otherwise specifically approved or permitted for the non-residential use, commercial outdoor sales of merchandise shall be prohibited.
- (B) Commercial outdoor sales may be permitted for those non-residential uses whose merchandise are customarily displayed outdoors, provided the use has been designated, approved and permitted as a temporary use and activity on the site.
- (C) All permitted commercial outdoor sales or display areas shall comply with the minimum setback requirements for the zoning district to which the commercial use is located.
- (D) Seasonal or sidewalk sales may be permitted on the sidewalk or outside of the front or side of the principal building of a retail establishment, whereas, goods are offered for retail sale to the public, typically at discounted price, provided that all such sales shall not exceed 180 cumulative days during the course of a calendar year.
- (E) Yard sales conducted on a residential lot or within a residential unit may be permitted up to a maximum of 30 days in any give calendar year.

## **Section 824: Mini-Malls, Shopping Centers and Shopping Malls**

- (A) The term “multiple commercial uses” shall include “mini-malls”, “shopping centers” and/or “shopping malls”, which are further defined under Article 2 of this Zoning Ordinance.
- (B) Mini-malls, shall be permitted by conditional use within the SV and HC Zoning Districts, subject to the applicable minimum requirements specified under Section 824.1 of this Zoning Ordinance.
- (C) Shopping centers or shopping malls shall be permitted by conditional use within the HC Zoning Districts, subject to the applicable minimum requirements specified under Section 824.2 of this Zoning Ordinance.
- (D) Each commercial use within a permitted mini-mall, shopping center or shopping mall shall be serviced by public sanitary sewage disposal facilities and public water supply facilities. Unless otherwise permitted by the Upper Bern Township Board of Supervisors as part of the conditional use application, each commercial use shall have separate sanitary sewage disposal connections and water supply connections

### **Section 824.1: Mini-Malls**

- (A) Mini-malls containing less than 30,000 square feet of cumulative gross floor area and as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use within the SV and HC Zoning Districts.
- (B) Mini-Mall shall have a minimum net lot area of two (2) acres and shall comply with the minimum and maximum dimensional requirements established for the zoning district to which it is located. In addition, mini-malls shall be subject to the following design requirements:
  - (1) The cumulative gross floor area for a mini-mall shall not exceed 30,000 square feet. For commercial applications exceeding this size, the provisions for a shopping center or shopping mall may apply, subject to the provisions of Section 824.2 of this Zoning Ordinance.
  - (2) The permitted uses within a mini-mall shall be limited to: retail business establishments; personal business or service establishments; professional offices; banks or financial institutions; medical or dental offices; municipal or governmental uses; restaurants; taverns; and other similar uses.
  - (3) The maximum number of uses within a mini-mall shall be limited to 20 independent uses. All proposed uses shall be designed as self-contained structures without common facilities, which comply with all requirements of the Upper Bern Township Zoning Ordinance.
  - (4) All uses within a mini-mall shall be harmoniously planned as attached units within a single building. As part of the conditional use application, the applicant or developer shall identify the planned uses within the mini-mall and demonstrate how these uses can be amicably planned during all hours of operation.
  - (5) Unless otherwise permitted by the Board of Supervisors as part of the conditional use application, planned out parcels, pad sites or detached buildings shall not be considered as part of the design.
  - (6) The uses contained within the mini-mall shall be serviced by public sanitary sewage facilities.
  - (7) The uses contained within the mini-mall shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the use.
  - (8) Unless otherwise required by the utility company, all uses within the mini-mall shall have individual utility connections, which shall be installed underground.
  - (9) All means of ingress and/or egress shall be located at least two hundred (200) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.

- (10) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (11) The off-street parking spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the mini-mall. As part of the conditional use application, the Board of Supervisors may permit a reduction of 20 percent of the required cumulative total off-street parking spaces provided the applicant or developer demonstrates that the uses will not generate the additional off-street parking demands from employees and patrons during peak operational hours.
  - (12) All proposed signs for the mini-mall shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (13) The side and rear lot lines of the property shall be adequately screened with a 20 foot wide landscaped buffer yard.
  - (14) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.
- (C) The ownership of any mini-malls shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The shopping center must have at least one (1) on-site manager or a designated individual whose office is located within 100 miles of Upper Bern Township. The owner shall provide Upper Bern Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of the mini-mall.
- (D) The owner or manager shall provide Upper Bern Township with a complete list of tenants located within the mini-mall on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- (E) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.

- (F) 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 land development plan.
- (G) As part of the conditional use application, the Board of Supervisors may attach other reasonable conditions that may be appropriate when considering the functional design and operation of the uses contained within the mini-mall.
- (H) If the Board of Supervisors approves the conditional use application, a complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township.

**Section 824.2: Shopping Centers or Shopping Malls**

- (A) Shopping centers or shopping malls containing more than 30,000 square feet of cumulative gross floor area and as further defined under Article 2 of this Zoning Ordinance, shall be permitted by conditional use in the HC Zoning District.
- (B) Shopping centers shall have a minimum net lot area of five (5) acres and shall comply with the minimum and maximum dimensional requirements established for the HC Zoning District. In addition, shopping centers shall be subject to the following design requirements:
  - (1) The cumulative gross floor area of a shopping center or shopping mall should generally exceed 30,000 square feet. For commercial applications less than this size, the provisions for a mini-mall may apply, subject to the provisions of Section 824.1 of this Zoning Ordinance.
  - (2) The permitted uses within a shopping center or shopping mall shall be limited to: retail business establishments; personal business or service establishments; professional offices; banks or financial institutions; medical or dental offices; family entertainment complex; movie theaters; recreational uses; municipal or governmental uses; restaurants; taverns; night clubs; and other similar uses.
  - (3) The maximum number of uses within a shopping center or shopping mall shall be unlimited, provided that each use is designed as part of a common facility or as self-contained structures, which comply with all requirements of the Upper Bern Township Zoning Ordinance.
  - (4) All uses within a shopping center or shopping mall shall be harmoniously planned within a single building or within groups of buildings. As part of the conditional use application, the applicant or developer shall identify the planned uses within the shopping center or shopping mall and demonstrate how these uses can be amicably planned during all hours of operation.
  - (5) Planned out parcels, pad sites or detached buildings may be permitted, provided the use is located within a separate lot meeting the appropriate minimum and maximum dimensional requirements of the HC Zoning District for that specific use.
  - (6) The uses contained within the shopping center or shopping mall shall be serviced by public sanitary sewage facilities.
  - (7) The uses contained within the shopping center or shopping mall shall be serviced by a public water supply system.
  - (8) Unless otherwise required by the utility company or authority providing service, all uses within the shopping center or shopping mall shall have individual underground utility connections.
  - (9) All means of ingress and/or egress shall be located at least two hundred (200) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.

- (10) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (11) The off-street parking spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the shopping center or shopping mall. As part of the conditional use application, the Board of Supervisors may permit a reduction of 10 percent of the required cumulative total off-street parking spaces provided the applicant or developer demonstrates that the uses will not generate the additional off-street parking demands from employees and patrons during peak operational hours.
  - (12) All proposed signs for the shopping center or shopping mall shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (13) The side and rear lot lines of the property shall be adequately screened with a 30 foot wide landscaped buffer yard.
  - (14) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within fifty (50) feet from any lot line.
- (C) The ownership of any shopping centers or shopping malls shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The shopping center must have at least one (1) on-site manager or a designated individual whose office is located within 100 miles of Upper Bern Township. The owner shall provide Upper Bern Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of the mini-mall, shopping center or shopping mall.
- (D) The owner or manager shall provide Upper Bern Township with a complete list of tenants located within the shopping center or shopping mall on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- (E) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A Traffic Impact Study shall be conducted in order to assess transportation conditions and needs. The Traffic Impact Study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The Traffic Impact Study shall be submitted with the conditional use application.

- (F) 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 land development plan.
- (G) As part of the conditional use application, the Board of Supervisors may attach other reasonable conditions that may be appropriate when considering the functional design and operation of the uses contained within the shopping center or shopping mall
- (H) If the Board of Supervisors approves the conditional use application, a complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by Upper Bern Township

**Section 825: Utilities**

- (A) Community utilities, as defined under Article 2 of this Zoning Ordinance, shall be permitted by right as an accessory use within the AP, BMP, MDR, SV, RC, HC, GI and AI Zoning Districts, subject to the following requirements:
  - (1) Community utilities shall be designed to provide service in an isolated service area, community or neighborhood.
  - (2) The community facilities shall be located on a self contained lot, which meets the minimum and maximum dimensional lot requirements of the underlying zoning district.
  - (3) A complete subdivision and land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and land development plan shall comply with all provisions specified by the Upper Bern Township Zoning Ordinance.
- (B) Private utilities, as defined under Article 2 of this Zoning Ordinance, shall be permitted by right within the GI and AI Zoning Districts, subject to the following requirements:
  - (1) A minimum of 20 acres of contiguous net land area shall be required to accommodate all of the uses associated with a private utility provider.
  - (2) The offices, terminals, storage and maintenance buildings for the private utility provider shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) The minimum lot width for the private utility use shall be 300 feet.
  - (4) All facilities and uses associated with the private utility use shall be located at least 200 feet from any property line or street right-of-way line.
  - (5) The maximum height of the buildings and all accessory equipment shall be 50 feet.
  - (6) The maximum building coverage shall be 25 percent of the total lot area.
  - (7) The maximum lot coverage shall be 40 percent of the total lot area.
  - (8) All means of ingress and/or egress shall be located at least two hundred (200) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Upper Bern Township.
  - (9) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.

- (10) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the owner or manager. All trucks leaving the site shall not deposit dirt, mud or other such substances on public roads.
  - (11) A fifty (50) foot wide buffer yard shall completely surround all areas approved for the private utility use. Unless otherwise permitted by Upper Bern Township, the buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on twelve (12) foot centers. No materials of any nature shall be stored within this buffer yard.
  - (12) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radioactive materials, shall not be stored at the site of private utility use.
  - (13) All local, state and federal regulations concerning air pollution or air quality shall be considered as minimum standards for the control of smoke, dust, fumes and emissions.
  - (14) The owner or manager shall comply with all local, state and federal laws concerning stabilization, stormwater management, and erosion and sedimentation control.
  - (15) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
  - (16) All trucks and trailers stored on the property shall be arranged so as to permit access by emergency management equipment. The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article 10 of this Zoning Ordinance.
  - (17) All proposed signs shall comply with the provisions specified under Article 11 of this Zoning Ordinance.
  - (18) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within one hundred (100) feet from any lot line.
  - (19) A complete land development plan shall be submitted to Upper Bern Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Zoning Ordinance.
  - (20) As part of the land development plan, the applicant shall provide documentation to indicate that the private utility use shall comply with the provisions established within the Upper Bern Township Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the Upper Bern Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- (C) Public utilities, as defined under Article 2 of this Zoning Ordinance, shall be permitted by right within the AP, BMP, MDR, SV, RC, HC, GI Zoning Districts. The provisions of this Zoning Ordinance shall not specifically apply to certain public utilities, which because of their status with the Pennsylvania Public Utility Commission may be exempt from the provisions of this Zoning Ordinance.

## Section 826: Telecommunication and Wireless Communication Facilities

- (A) The purpose of this section and the standards established herein is to govern the use, construction and location of telecommunication and wireless communications facilities in recognition of the nature of commercial communication systems and the Federal Telecommunications Act of 1996. These regulations are intended to:
- (1) Accommodate the need for telecommunication and wireless communications facilities while regulating their location and number so as to insure the provision for necessary services;
  - (2) Minimize the adverse visual effects and the number of such facilities through proper design, locating, screening, material, color and finish and by requiring that competing providers of wireless communications services collocate their commercial communications antennas and related facilities;
  - (3) Ensure the structural integrity of commercial communications antenna support structures through compliance with applicable industry standards and regulations; and
  - (4) Promote the health, safety and welfare of the residents and property owners within Upper Bern Township.
- (B) Unless otherwise specified within this Zoning Ordinance, telecommunication or wireless communication facilities, as further defined under Article 2, shall be permitted by right within the following areas of Upper Bern Township:
- (1) All land areas owned and maintained by Upper Bern Township.
  - (2) On existing telecommunication or wireless communication facilities, which have the capacities to accommodate addition facilities.
  - (3) On existing buildings and/or structures within the SV, RC, HC, GI and AI Zoning Districts, which have sufficient height to facilitate the immediate service area of the telecommunication or wireless communication provider.
  - (4) As permitted by the procedural requirements and criteria specified within this Zoning Ordinance.
- (C) All applicants seeking to construct, erect, relocate or alter telecommunication or wireless communications facilities shall secure approval from the Board of Supervisors, which shall be conditioned upon their demonstrated compliance with the regulations specified under this section of the Zoning Ordinance. As part of this requirement, a land development plan shall be prepared and submitted to Upper Bern Township for review and consideration.
- (D) The following specifications concerning location and height shall apply to telecommunication or wireless communication facilities:
- (1) Telecommunication or wireless communications facilities must be located on a sites identified or permitted by this section of the Zoning Ordinance. A land development plan shall be submitted to demonstrate that the requirements for location, height, design, infrastructure and improvements have been properly addressed considering the telecommunication or wireless communication network.
  - (2) No applicant shall have the right under the provisions of this section of the Zoning Ordinance to erect any commercial communications antenna support structure, also referred to as a "tower" in these regulations, to the maximum height specified within this section of the Zoning Ordinance, unless it proves the necessity for such height. The applicant shall demonstrate that the proposed height of the commercial communications antenna support structure and the commercial communications antennas intended to be attached thereto is the minimum height required to provide satisfactory service for the communications.
  - (3) Prior to the Board of Supervisors approval of a land development plan authorizing the construction and installation of a commercial communications antenna support structure in a permitted location or zoning district, the applicant shall demonstrate that the facility/or structure is necessary to extend or infill its communications system by the use of equipment such as radomes, repeaters, antennas and other similar equipment installed on existing structures, such as utility poles or their appurtenances, and other available tall structures described in this section of the Zoning Ordinance, actually constructed and in existence on the effective date of this ordinance, hereinafter referred as an "existing structure".



- (4) The land development plan application, whether for a tower or antennas on existing structures, shall be accompanied by a propagation study evidencing the need for the proposed tower or other communications facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the applicant, the power in watts at which the applicant transmits, the design gain of applicant's antennas, the subscriber equipment sensitivity expressed in dBm, the design dBm of the transmission and receiving equipment and the results of the drive test and other studies conducted by the applicant in determining the need for the proposed site and installation.
- (5) No commercial communications antenna support structure shall be taller than 120 feet, as measured from undisturbed ground level, unless the applicant proves that another provider of wireless communications services has agreed to collocate commercial communications antennas on the applicant's tower or that the tower will be available for such collocation. It shall be incumbent upon the applicant to prove that a greater tower height is necessary to provide satisfactory service for wireless communications than is required by the applicant. In such cases, the commercial communications antenna support structure shall not exceed 150 feet unless the applicant secures approval from the Upper Bern Township Board of Supervisors and the agencies having jurisdiction, by demonstrating such proof as would be required for the granting of a variance under the provisions of this section of the Zoning Ordinance. In no event shall mounted commercial communications antennas' height on any tower extend more than 10 feet above the installed height of the tower.
- (6) In those areas where commercial communications antennas and commercial communications antenna support structures are permitted, either a one single-story wireless communications equipment building not exceeding 1,500 square feet in area or up to five (5) metal boxes placed on a concrete pad not exceeding 50 feet by 80 feet in area housing the receiving and transmitting equipment may be located on the permitted site selected for installation and location of the tower for each unrelated company sharing commercial communications antenna space on the tower.
- (7) With the exception of the transmitting and wireless communications equipment necessary to facilitate the tower and commercial communications antennas, all other uses ancillary to commercial communications antennas and commercial communications antenna support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot and vehicular storage area, shall not be located on any site, unless otherwise permitted by this Zoning Ordinance.
- (8) The attachment of telecommunication or wireless communication facilities to existing structures shall be permitted by right, provided the following condition apply:
  - (a) The proposed use or structure complies with all other provisions of this section of the Zoning Ordinance, whereas the applicant may locate commercial communications antennas and their support members, but not a commercial communications antenna support structure, on a smokestack, utility pole, water tower, commercial or industrial building or any similar tall structure, actually constructed and in existence on the effective date of this ordinance.
  - (b) The height of the commercial communications antennas and apparatus attaching the commercial communications antennas thereto shall not exceed by more than 10 feet the height of such existing structure, unless the applicant proves that a greater antenna height is required to make it an adequately functional component of the applicant's system, but in no case shall such height exceed 25 feet.
  - (c) The applicant proves that such location is necessary to satisfy the antenna's function within the communications system and will obviate the need for the erection of a commercial communications antenna support structure in another location where the same is permitted.
  - (d) The applicant employs concealment or other reasonably appropriate stealth measures, as determined appropriate by the Board of Supervisors, to camouflage or conceal the antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures, such as steeples, silos, and advertising signs, the replication of steeples and other structures for such purpose, the simulation of elements of rural landscapes, such as trees, and such other measures as are available for use for such purpose.

- (e) Commercial communications antennas may be located entirely within a steeple, but no portion of the antenna shall be visible from the outside.
- (f) If the Board of Supervisors finds that location of antennas on a structure, which was constructed prior to the effective date of this Zoning Ordinance, obviates the need for the construction and erection of a tower in a permitted zoning district in which a tower is a permitted by right, the Board of Supervisors may authorize as part of the land development plan approval process, the location of up to five (5) metal boxes placed on a concrete pad not exceeding 25 feet by 30 feet in area housing the receiving and transmitting equipment necessary to the operation of the antennas provided that: the pad is located within the side yard or rear yard; that the pad and boxes are set back from the property line by a minimum of 30 feet; the combined height of the pad and boxes does not exceed eight feet; and an evergreen landscape buffer screen is planted and maintained as required by the Board of Supervisors.

(9) The minimum distances between the base of a commercial communications antenna support structure and any adjoining property line or street right-of-way line shall equal 50 percent of the proposed commercial communications antenna support structure height. Where the site on which a tower is proposed to be located is contiguous to an educational use, child day-care facility or residential use, the minimum distance between the base of a commercial communications antenna support structure and any such adjoining uses shall equal 110 percent of the proposed commercial communications antenna support structure height, unless it is demonstrated to the reasonable satisfaction of the Board of Supervisors that in the event of tower failure, the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

(10) Unless otherwise specified within this Zoning Ordinance or as permitted by the Board of Supervisors, a proposed telecommunication or wireless communications facility must be located or separated by a horizontal distance of 3,000 feet from any another telecommunication or wireless communications facility.

(E) The following standards and specifications shall apply structural stability, support and design of all telecommunication or wireless communication facilities:

- (1) The applicant shall demonstrate that the proposed commercial communications antennas and commercial communications antenna support structures are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineer, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association, and other established standards identified by the Upper Bern Township Engineer. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.
- (2) When one or more commercial communications antennas are to be located on an existing structure and the general public has access to the structure on which the commercial communications antenna is to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes or other metals. For purposes of this subsection, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to power lines and telephone wires, during which process the transference of energy from one to another occurs.
- (3) In order to reduce the number of commercial communications antenna support structures within Upper Bern Township in the future, the proposed commercial communications antenna support structure shall be designed to accommodate other potential communications users, including but not limited to, commercial wireless communications companies, local police and fire and ambulance companies.
- (4) If the wireless communications facility is fully automated, adequate parking shall be required for all maintenance workers, with a minimum of two spaces provided. If the wireless communications facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the wireless communications facility during the largest shift.

- (5) Commercial communications antenna support structures shall be painted silver or another color approved by the Board of Supervisors, or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. In furtherance of this provision, the Board of Supervisors may require that:
- (a) Commercial communications antenna support structures be painted green up to the height of nearby trees; and/or
  - (b) Wireless communications equipment buildings, which house electrical transmitter equipment be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
- (6) In making these determinations concerning aesthetics and architectural compatibility, the Board of Supervisors shall consider the following:
- (a) If it will promote the harmonious and orderly development of the zoning district involved;
  - (b) If it is compatible with the character and type of development existing within the area;
  - (c) If the benefits exceed any negative impacts on the aesthetic character of the community;
  - (d) If it preserves woodland areas and trees existing at the site to the greatest possible extent; and
  - (e) If it encourages sound engineering practices and land development design.
- (F) Unless otherwise permitted by the Board of Supervisors as part of the land development plan application, the following general site improvements, compliance provisions and procedural obligations shall be required for all telecommunication or wireless communication facilities:
- (1) No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or other governmental agency.
  - (2) Where appropriate, the commercial communications antenna support structures shall meet all FAA regulations. No commercial communications antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to the minimum lumens and number of lights so required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities as well as Upper Bern Township.
  - (3) The applicant shall describe the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic safety and noise impacts of such maintenance.
  - (4) In the event that a commercial communications antenna is attached to an existing structure, vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the existing principal use.
  - (5) If the applicant proposes to build a commercial communications antenna support structure (as opposed to mounting the commercial communications antenna on an existing structure), the applicant shall prove to the Board of Supervisors that it has contacted the owners of structures of suitable location and height, either other towers or existing tall structures within 3,000 foot radius of the site proposed, asked for permission to install the commercial communications antennas on those structures and has been denied. The Board of Supervisors may deny an application to construct a new commercial communications antenna support structure if the applicant has not made a good faith effort to mount the commercial communications antenna on an existing structure.

- (6) If use of the wireless communications facility is abandoned or if the wireless communications facility is not in use for a period of six (6) months or longer, the owner shall demolish and/or remove the wireless communications facility from the site within six (6) months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications facility. In the event that the demolition and/or removal referred to above are not performed in a timely manner, the landowner shall be subject to the enforcement remedies of this Zoning Ordinance.
  - (7) As part of the land development plan application, the applicant seeking to construct, erect, relocate or alter a wireless communications facility shall file a written certification that all property owners within a one thousand (1,000) foot radius of the property on which the commercial communications antenna support structure is proposed to be located have been given written notice by the applicant of the applicant's intent to construct, erect, relocate or alter a wireless communications facility. The certification shall contain the name, address and tax parcel number of the property owners so notified.
  - (8) In the event that the wireless communications facilities cause interference with the radio or television reception of any residential or non-residential use within Upper Bern Township for a period of three (3) continuous days, the resident shall notify the applicant of such interference, and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the enforcement remedies of this Zoning Ordinance.
  - (9) A security fence shall be required around the antenna support structure and other equipment, unless the commercial communications antenna is mounted on an existing structure.
  - (10) Landscaping shall be required to screen and buffer as much of a newly constructed commercial communications antenna support structure as possible. The Board of Supervisors may permit a combination of existing vegetation, topography, walls, decorative fences or other features in lieu of landscaping.
- (G) The following background information and documentation shall be submitted as part of the land development plan application:
- (1) The applicant shall demonstrate that it is a commercial wireless communications company, licensed by the Federal Communications Commission (FCC) or, in the case of those companies that own and erect towers for lease to such companies, that it has an existing contract with one or more such companies to locate on the proposed tower (in those zoning districts or areas where such towers are permitted) and provide the Township Secretary with copies of all FCC applications, permits, approvals, licenses and site inspection records. All such information shall be accompanied by a certification signed by two officers of the applicant that the information being supplied is true and correct to the best of their knowledge, information and belief. The applicant shall also provide Upper Bern Township with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
  - (2) A soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-E, as amended, or other pertinent codes and specifications, shall be submitted to the Upper Bern Township Engineer to document and verify the design specifications of the foundation for the commercial communications antenna support structure, and anchors for the guy wires, if used.
  - (3) Prior to the issuance of a permit authorizing construction and erection of a commercial communications antenna support structure, a structural engineer registered in the Commonwealth of Pennsylvania shall issue a written certification to Upper Bern Township of its ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the commercial communications antenna support structure. Where antennas are proposed to be attached to an existing structure, the structural engineer shall certify that both the structure and the antennas and their appurtenances meet minimum industry standards for structural integrity.

- (4) The land development plan application shall be accompanied by a full site plan for all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to the commercial communications antennas, commercial communications antenna support structure, building, fencing, buffering and ingress and egress. The land development plan shall comply with the requirements of this section of the Zoning Ordinance.
- (5) In January of each year, the owner of any wireless communications facilities shall pay any required registration fees and shall provide Upper Bern Township with the following information:
  - (a) The names and addresses of the owner of the wireless communications facilities and any organizations utilizing the wireless communications facility and telephone numbers of the appropriate contact person in case of emergency.
  - (b) The name and address of the property owner on which the communications facility is located.
  - (c) The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.
  - (d) Output frequency of the transmitter.
  - (e) The type of modulation, digital format and class of service.
  - (f) Commercial communications antenna(s) gain.
  - (g) The effective radiated power of the commercial communications antenna(s).
  - (h) The number of transmitters, channels and commercial communications antenna(s).
  - (i) A copy of the owner or operator's FCC authorization.
  - (j) Commercial communications antenna(s) height.
  - (k) Power input to the commercial communications antenna(s).
  - (l) Distance to nearest base station.
  - (m) A certification signed by two officers of the applicant that the wireless communications facility is continuing to comply with this chapter and all applicable governmental regulations, including but not limited to output and emission limits established by the FCC.
- (6) A certificate of insurance issued to the owner/operators evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the site and the wireless communications facilities.
- (H) At the discretion of the Board of Supervisors, the provisions of this section of the Zoning Ordinance may be adjusted or modified to facilitate the evolving technology of the telecommunication and wireless communication industry. In all such cases, the applicant shall provide technical evidence to Upper Bern Township that the adjustment or modification will meet the purpose and objectives of this section of the Zoning Ordinance.

**Section 827: Municipal and Governmental Uses**

- (A) Municipal uses, as defined under Article 2 of this Zoning Ordinance, shall be permitted by right within the AP, BMP, MDR, SV, RC, HC, GI and AI Zoning Districts.
- (B) The provisions of this Zoning Ordinance shall not apply to Upper Bern Township nor to any of the following: any lands or buildings of Upper Bern Township or extensions thereof, the use of any premises by Upper Bern Township, and any buildings, lands or premises owned or operated by Upper Bern Township; provided, however, that Upper Bern Township shall comply with any provision of this Zoning Ordinance respecting the preservation of historic site or structure, and this municipal exemption shall not apply thereto, and provided further that Upper Bern Township shall comply with all applicable requirements pertaining to public health, safety and general welfare of the community as deemed pertinent by the Upper Bern Township Board of Supervisors.

- (C) Agricultural uses that are occupied or contained on lands within the AP and AI Zoning Districts, which are owned by a local, county, state or federal agency may continue as such provided that the ownership and maintenance responsibilities are controlled by the governmental agency or the landowner.
- (D) Governmental uses shall be permitted by conditional use within the SV Zoning District. Unless otherwise exempt, all governmental uses shall comply with the provisions of this Zoning Ordinance.

**Section 828: Undefined or Other Land Uses**

- (A) Other types of land uses, not specifically identified or recognized within this Zoning Ordinance, may evolve or become commonly acceptable as a reasonable use. It is the purpose of this section to provide for all reasonable and appropriate land uses and to establish a mechanism for the inclusion of such land uses within Upper Bern Township.
- (B) All undefined or other reasonable land uses that are not recognized by this Zoning Ordinance shall be permitted by conditional use within the GI Zoning District.
- (C) Unless otherwise permitted by the Board of Supervisors as part of the conditional use application, the following design and development requirements shall apply to all undefined or other reasonable land uses:
  - (1) A minimum of five (5) acres of net land area shall be required to accommodate the undefined use. Depending upon the complexity or intensity of the proposed undefined land use, the Board of Supervisors may consider a reduction of the minimum area requirement, however, in no case shall the minimum lot size be reduced to less than two (5) contiguous net acres of land.
  - (2) The undefined use shall be serviced by public sanitary sewage facilities.
  - (3) The undefined use shall be serviced by a public water supply system or by a private water supply system approved and permitted by Upper Bern Township and the Pennsylvania Department of Environmental Protection. As part of the conditional use application, the applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the undefined use.
  - (4) Depending upon the complexity or intensity of the undefined use, the Board of Supervisors shall establish the minimum and maximum dimensional requirements as part of the conditional use application. These provisions shall include the lot width, setback requirements (front, side and rear), height, building coverage and lot coverage requirements for the undefined use.
- (D) As part of the conditional use application, the Board of Supervisors shall consider the following information and documentation submitted to Upper Bern Township on behalf of the applicant:
  - (1) The applicant shall submit a request for inclusion of and undefined or other reasonable land use that is not recognized as part of the Zoning Ordinance, with illustrations and complete documentation that completely describes the land use activity and the manner in which it differs from the permitted uses defined or permitted by the Zoning Ordinance.
  - (2) Prior to the commencement of the conditional use hearing, the Zoning Officer shall advise Upper Bern Township if the application meets the purpose and objective of this section of the Zoning Ordinance.
  - (3) The applicant shall provide evidence that the undefined use shall comply with all provisions established within the Zoning Ordinance. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application, the applicant shall consult with the Upper Bern Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- (E) If the Board of Supervisors approves the conditional use application, a complete subdivision and/or land development plan shall be submitted to Upper Bern Township for review and consideration. The subdivision and/or land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Zoning Ordinance.