

ORDINANCE NO. 21-2005

**AN ORDINANCE FOR UPPER BERN TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA, AMENDING THE UPPER BERN TOWNSHIP
ZONING ORDINANCE OF 1997**

Be it and it is hereby enacted and ordained by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania (the "Township"), and it is hereby enacted and ordained, as follows:

Section 1. The following Definitions are to be added to Section 202 (Specific Terms):

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

Travel Convenience Center: A retail service establishment or convenience stop, whereas, food items, beverages, take-out only delicatessen, newspapers, magazines, incidental personal care items, automobile supplies, gasoline and/or diesel fuel, are principally sold to accommodate transient travelers.

Section 2. The following use is to be added as a use permitted by conditional use within the Highway Commercial Zoning District, as referenced under Section 406.3, by adding a new subsection G and renumbering subsection G to H:

G. Travel Convenience Center, subject to Section 953 of this Zoning Ordinance.

H. Accessory uses and structures to the above-permitted uses when on the same lot as the permitted use.

Section 3. The following use within is to be deleted or omitted as a use permitted by special exception within the General Industrial Zoning District, as referenced under Section 407.4.D:

D. Truck Distribution Center

Section 4. The following is to be added as a use permitted by conditional use within the General Industrial District as referenced under Section 407.3, by adding a new Subsection D and renumbering Subsection D to Subsection E:

D. Trucking or Motor Freight Establishment, subject to Section 952 of this Zoning Ordinance.

E. Accessory uses and structures to the above-permitted uses when on the same lot as the permitted use.

Section 5. The supplementary regulations are hereby amended by adding a new Section 952 as follows:

Section 952. Trucking or Motor Freight Establishments

A. Trucking or motor freight establishments, as further defined under Article II of this Zoning Ordinance, shall be permitted by conditional use within the GI Zoning District, 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 Establishment:

(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 Establishment.

(2) The Trucking or Motor Freight Establishment shall be serviced by public sanitary sewage facilities.

(3) The Trucking or Motor Freight 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.

(4) The minimum lot width requirement for the lot occupying the Trucking or Motor Freight Establishment shall be 300 feet. In addition, the minimum and maximum

dimensional requirements for Trucking or Motor Freight Establishment as specified by the zoning district in which the use is located shall apply.

(5) All Trucking or Motor Freight Establishments 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) 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 fifty (50) foot wide buffer yard shall completely surround all areas approved for the trucking or motor freight establishment. 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 the trucking or motor freight establishment.

(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 to comply with the provisions specified under Sections 923 and 924 of this Zoning Ordinance.

(18) All proposed signs shall comply with the provisions specified under Section 927 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 air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will 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 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 accordance with the provisions of the Upper Bern Township Zoning Ordinance in order to assess transportation conditions and needs. The Traffic Impact Study shall be submitted with the conditional use application.

(4) An Environmental Impact Assessment (EIA) Report shall be conducted in accordance with the procedures and requirements specified by this Zoning Ordinance. The EIA Report should identify how the potential adverse impact will be mitigated and/or prevented.

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 Upper Bern Township.

Section 6. The supplementary regulations are hereby amended by adding a new Section 953 as follows:

Section 953. Travel Convenience Center

A. Travel Convenience Center, as further defined under Article II of this Zoning Ordinance, shall be permitted by conditional use within the HC Zoning District, subject to the appropriate provisions specified within this Zoning Ordinance.

B. The following design standards and specifications shall apply to a Travel Convenience Center:

(1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses associated with a Travel Convenience Center.

(2) The Travel Convenience Center shall be serviced by public sanitary sewage facilities.

(3) The Travel 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 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 minimum lot width requirement for the lot occupying the Travel Convenience Center shall be 300 feet. In addition, the minimum and maximum dimensional requirements for Travel Convenience Centers as specified by the zoning district in which the use is located shall apply.

(5) All Travel Convenience Center buildings shall be located at least one hundred (100) feet from any property line or street right-of-way line, provided, that this shall not apply to other structures which are a part of the Travel Convenience Center.

(6) All means of ingress and/or egress shall be located at least two hundred fifty (250) 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 feasible, the Travel Convenience Center shall institute anti-idling measures to reduce the noise associated with idling vehicles. Ordinance 72-2003, or any successor ordinance, shall not be applicable to a Travel Convenience Center approved under this Section of the Zoning Ordinance.

(10) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior driveways 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 twenty (20) foot wide buffer yard shall completely surround all areas approved for the Travel 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 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 the Travel Convenience Center, provided, that this does not apply to a properly licensed truck and/or trailer on the site for less than twenty-four hours. This section does not apply to motor vehicle fuel stored in licensed underground tanks.

(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 to comply with the provisions specified under Sections 923 and 924 of this Zoning Ordinance.

(18) A sign study shall be submitted to demonstrate the necessary signage for the Travel Convenience Center. Due to the visibility requirements from interstate highways, the maximum height and maximum square footage of any freestanding signs shall be justified by a sign study. More than one sign is permitted for each use within the Travel Convenience Center. The area of signage for each commercial use within the Travel Convenience Center shall be as follows: (a) wall signage at a maximum of two (2) square feet for each lineal foot of horizontal building façade length, but not to exceed one hundred sixty (160) square feet; and (b) signage on freestanding signs shall be determined as set forth in the sign study. Lettering on a canopy over fuel dispensing islands shall not be considered signage in a Travel Convenience Center. The sign study as well as all other proposed signage within the development shall be subject to the approval of the Board of Supervisors, as part of the conditional use application.

(19) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will 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 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 accordance with the provisions of the Upper Bern Township Zoning Ordinance in order to assess transportation conditions and needs. The Traffic Impact Study shall be submitted with the conditional use application.

(4) An Environmental Impact Assessment (EIA) Report shall be conducted in accordance with the procedures and requirements specified by this Zoning Ordinance. The EIA Report should identify how the potential adverse impact will be mitigated and/or prevented

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 Upper Bern Township.

Section 7. All other provisions of the Upper Bern Township Zoning Ordinance of 1997 as amended are hereby ratified and confirmed.

Section 8. Any provision of any Ordinance inconsistent with the provisions of this Ordinance is repealed to the extent of the inconsistency.

Section 9. This Ordinance shall be effective upon enactment.

DULY ENACTED AND ORDAINED this 17 day of December, 2005, by the Board of Supervisors of the Township of Upper Bern in public session duly assembled.

ATTEST:

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF UPPER BERN,
PENNSYLVANIA

Sam Case
Secretary

By: *Paul Magelke*
Chairman

By: *John P. Werner*

By: *Greg A. Boshart*