

## Upper Bern Township Ordinance Number 121 - 2012

An Ordinance of Upper Bern Township, Berks County, Pennsylvania, which is intended to amend and revise Section 804.5 (Farm-Support Business Uses) of the Upper Bern Township Zoning Ordinance of 2008.

Whereas, Upper Bern Township has duly adopted and does maintain a zoning ordinance titled the "Upper Bern Township Zoning Ordinance of 2008" (the "Zoning Ordinance").

Whereas, Section 609 of Pennsylvania Municipalities Planning Code ("MPC") authorizes municipalities to amend their respective zoning ordinances.

Whereas, the Board of Supervisors believes it is in the best interest of Upper Bern Township to further regulate farm-support business uses by establishing specific standards.

Whereas, the Board of Supervisors has considered the comments of the Berks County Planning Commission, the Upper Bern Township Planning Commission and the general public after a public hearing duly conducted in accordance with the provisions of the MPC and the Zoning Ordinance.

Now therefore, be it ordained that the Upper Bern Township Board of Supervisors does hereby approve and adopt the following amendments to the Zoning Ordinance, as follows:

Section 1: The following provisions shall amend and replace the provisions contained under Section 804.5 (Farm-Support Business Uses) of the Zoning Ordinance:

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 conditional use 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 accessory or 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.
  - (7) An accessory residential use contained within the building occupied by an agricultural use or the farm-support business use.
- (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.
  - (8) In addition to the other provisions specified under Section 804.5 of this Zoning Ordinance, the following provisions shall apply to an accessory residential use:
    - (a) The accessory residential use shall not be occupied by more than two (2) persons. The occupants shall either be the landowners of the agricultural use or employees of the farm-support business use.
    - (b) The accessory residential use shall not occupy more than 1,500 square feet of area devoted to the building occupying the agricultural or farm-support business use.
    - (c) The accessory residential use shall be clearly subordinate and essential for the permitted agricultural or farm-support business use.
    - (d) All utility provisions, including sewage disposal and water supply that serve the accessory residential use shall be physically connected to those systems serving the permitted agricultural or farm-support business use. No separate utility systems or connections shall be constructed or utilized. All such utility connections shall have sufficient capacities to accommodate the permitted uses.

- (e) All construction activities shall comply with the building code and residential occupancy requirements specified by Upper Bern Township and Commonwealth of Pennsylvania.
- (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 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-support business. Further, no more than one (1) farm-support business may 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 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 site conditions. The optional design and site requirements shall be considered as part of a subdivision plan, land development plan and/or zoning permit.

Section 2: Repealer: All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

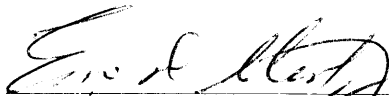
Section 3: Validity: If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

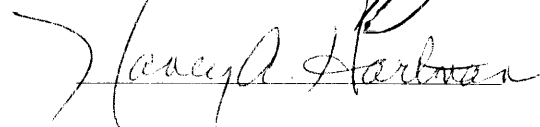
Section 4: Effective Date: This Ordinance shall become effective within five (5) days after adoption.

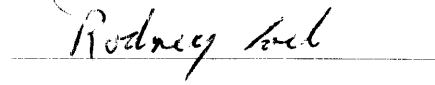
Section 5: Municipal Enactment

Ordained and enacted this 11th day of July, 2012, by a vote of 3 Yes 0 No 0 Abstained 0 Absent.

Upper Bern Township Board of Supervisors

By: 





Attest:

  
Upper Bern Township Secretary