

ARTICLE 1
GENERAL PROVISIONS

Section 101: Preamble

An ordinance establishing regulations, specifications and restrictions for the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures including areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of land uses, within Upper Bern Township, Berks County, Pennsylvania, and for said purposes dividing Upper Bern Township into districts and prescribing certain uniform regulations for each such districts and providing for the administrative enforcement and amendment provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Section 102: Short Title

This ordinance shall be known as, and may be cited as the "Upper Bern Township Zoning Ordinance of 2008".

Section 103: Purpose

(A) The Upper Bern Township Zoning Ordinance has been adopted in accordance with: the requirements of Pennsylvania Municipalities Planning Code, as amended; the goals, objectives and policies established within the Joint Comprehensive Plan for Northern Berks County, as dated February 2005; and consideration for the overall character of Upper Bern Township considering issues relative to growth, development, preservation and redevelopment. In addition, the Upper Bern Township Zoning Ordinance is designed to accomplish the following:

- (1) To promote, protect and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, proper density of population, civil defense, emergency management, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well.
- (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation; loss of health, life or property from fire, flood, panic or other dangers; loss of natural resources including farmland, woodland and water supply.
- (3) To identify, protect and preserve the physical and environmental amenities within Upper Bern Township.
- (4) To have planned orderly residential growth and development by considering environmentally sensitive land areas, agricultural uses, existing land uses, sewage disposal facilities, water supply facilities, utilities, infrastructure, groundwater recharge areas, and the rural characteristics.
- (5) To provide opportunities for commercial and industrial growth and development by considering environmental limitations, existing land uses, infrastructure, and the rural characteristics.
- (6) To provide for a system of conservation areas through the preservation of floodplains, steep slopes, woodlands and farmlands, as well as providing areas for passive and active recreation.
- (7) To improve the quality of life within the community.
- (8) To conserve, protect, sustain and enhance the natural and scenic resources for current and future generations, and assure visual and physical access for the residents and visitors.
- (9) To identify, preserve and protect the historical, architectural and cultural resources within the community.

- (10) To preserve and encourage the continuation of agricultural uses as viable industry within the region.
- (11) To provide a diversified housing supply that meets the existing and projected demands of the community.
- (12) To encourage aesthetical and innovative residential growth within Upper Bern Township that will meet the needs of existing and future residents.
- (13) To achieve and maintain a dynamic business climate to ensure a continuation of sound economic growth.
- (14) To promote employment and economic development opportunities.
- (15) To encourage commercial and industrial development, revitalization and rehabilitation that is adequate to meet Upper Bern Township's needs for employment, goods and services.
- (16) To provide community facilities and services, which meet the needs of the community while staying within the fiscal budget limitations of Upper Bern Township.
- (17) To provide parks, recreation facilities and open space areas, which meet the needs of the residents.
- (18) To improve, maintain and plan sanitary sewage disposal facilities and water supply facilities in an effort to meet the needs of the community, protect the environment and support development consistent with land use plans.
- (19) To ensure that all existing and prospective uses are serviced by basic utilities including sanitary sewage facilities, water supply facilities, communication systems and energy supplies are available to serve existing and prospective uses within Upper Bern Township.
- (20) To promote, encourage and practice energy conservation.
- (21) To provide and maintain a safe, efficient and diversified transportation system, which optimizes mobility, strengthens the economy and protects the environment.
- (22) To achieve a high level of intergovernmental planning by coordinating efforts with local, county and regional groups within the public and private sectors.
- (23) To implement past planning efforts including: the Upper Bern Township Comprehensive Plan (1992); the Joint Comprehensive Plan for Northern Berks County; the Upper Bern Township Act 537 Plan; and the Berks County Comprehensive Plan (Vision 2020).
- (24) To execute and comply with the Berks County Conservation Zoning Incentive Program.
- (25) To execute and comply with the Intergovernmental Agreement for the implementation efforts associated the Joint Comprehensive Plan for Northern Berks County (2005).

- (B) The purpose statements contained under Section 103 of the Upper Bern Township Zoning Ordinance of 2008 are intended to provide overall guidance and direction, as well as to establish the foundation for community growth, development, preservation and redevelopment efforts within Upper Bern Township. Should one or more purpose statements become unfeasible or cannot be implemented for any reason, the validity of this Upper Bern Township Zoning Ordinance shall not be invalid or unconstitutional.

Section 104: Community Development Objectives

The Upper Bern Township Zoning Ordinance attempts to emulate through its regulations the goals, objectives and policies of the Joint Comprehensive Plan for Northern Berks County. These regulations have been established with considerations to Upper Bern Township's physical characteristics, population trends, housing characteristics, existing land use characteristics, community facilities and services and existing transportation characteristics. The regulations established in this Zoning Ordinance reflect and portray the goals, objectives and policies of the functional components of the Joint Comprehensive Plan for Northern Berks County.

Section 105: Application and Interpretation

- (A) Except as hereinafter provided, no building, structure, land, watercourses, or parts thereof within Upper Bern Township shall be used or occupied, erected, constructed, assembled, moved, removed, demolished, eliminated, enlarged, reconstructed or structurally altered unless in conformity with the provisions of this Zoning Ordinance.
- (A) In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of Upper Bern Township. Where the provisions of this Zoning Ordinance impose greater restrictions than those of any other municipal statute, ordinance or regulation, the provisions of this Zoning Ordinance shall be complied with. Where the provisions of any other municipal statute, ordinance or regulation impose greater restrictions than this Zoning Ordinance, the provisions of such other municipal statute, ordinance or regulation shall be complied with unless otherwise stated in this Zoning Ordinance.
- (B) This Zoning Ordinance contains various supplemental matrix charts that are intended to specify certain zoning requirements or summarize certain zoning requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within the supplemental matrix charts, the provisions contained within the text shall prevail.

Section 106: Severability

Should any article, section, subsection, paragraph, clause, phrase or provision of this Zoning Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Zoning Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 107: Repealer

All ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance; provided however, that the provisions of this Zoning Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance.

Section 108: Exemptions

This Zoning Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of said corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

Section 109: Effective Date

The Upper Bern Township Board of Supervisors has enacted the Upper Bern Township Zoning Ordinance of 2008 on January 28, 2008, as part of Upper Bern Township Ordinance Number 94-2008. The Upper Bern Township Zoning Ordinance of 2008 shall become effective within five (5) days of the adoption date by the Upper Bern Township Board of Supervisors.