

ARTICLE 3

ZONING MAP AND ZONING DISTRICTS

Section 301: Establishment of Zoning Districts and Overlay Districts

- (A) For the purpose of this Zoning Ordinance, Upper Bern Township is hereby divided into eight (8) base zoning districts, which shall be designated as follows:

AP: Agricultural Preservation District
BMP: Blue Mountain Preservation District
MDR: Medium Density Residential District
SV: Shartlesville Village District
RC: Resort Commercial District
HC: Highway Commercial District
GI: General Industrial District
AI: Agricultural Industrial District

- (B) For the purpose of this Zoning Ordinance, the following Conservation Overlay Districts shall be established in accordance with the provisions of Article 5 of this Zoning Ordinance:

Floodplain Overlay District
Wetlands and Hydric Soil Overlay District
Steep Slope Overlay District
Woodland Protection and Management Overlay District
Riparian Buffer Overlay District
North Northkill Creek Overlay District
Well Head Protection Overlay District

- (C) For the purpose of this Zoning Ordinance, the following Special Overlay Districts shall be established in accordance with the provisions of Article 6 of this Zoning Ordinance:

Adaptive Reuse and Redevelopment Overlay District
Old Route 22 Corridor Overlay District
Interstate 78 Interchange Overlay District
Appalachian Trail Overlay District
Historical Preservation Overlay District

Section 302: Official Zoning Map

- (A) The boundaries of the zoning districts shall be depicted on the Zoning Map of Upper Bern Township. The Zoning Map and all notations, references and data illustrated thereon are hereby incorporated by reference into this Zoning Ordinance. The official copy of the Zoning Map shall be labeled as the Upper Bern Township Zoning Map and shall identify the signatures of the Upper Bern Township Board of Supervisors, attested by the Secretary of said Board of Supervisors, and bear the seal Upper Bern Township under the following words:

"This is to certify that this is the Official Zoning Map of Upper Bern Township, Berks County, Pennsylvania, as adopted by the Upper Bern Township Board of Supervisors on January 7, 2008, as part of the Upper Bern Township Zoning Ordinance of 2008".

- (B) If changes are made to district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made in accordance with the provisions of Upper Bern Township and the Pennsylvania Municipalities Planning Code, and the changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors. No changes of any nature shall be made to the Official Zoning Map, or matter thereon shown, except in conformity with the applicable procedures established in this Zoning Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- (C) The Official Zoning Map shall be located in a place designated by the Board of Supervisors, and shall be the final authority as to the current zoning status of land and water area in Upper Bern Township regardless of unofficial copies, which may have been made or published from time to time.
- (D) In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Board of Supervisors, attested by the Secretary, and bear the seal of Upper Bern Township under the following words:

"This is to certify that this Official Zoning Map of the Township of Upper Bern supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____ of Upper Bern Township, Berks County, Pennsylvania".

- (E) Unless the prior Official Zoning Map has been lost or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all applicable records pertaining to its adoption or amendment.

Section 303: Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of the base districts as indicated on the Official Zoning Map, the following rules and guidelines, as provided within this section shall be applicable.

- (A) Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such centerline shall be construed to be such boundaries.
- (B) Where district boundaries are indicated as approximately coinciding with lot lines or deed lines, which were in effect at the date of this Zoning Ordinance, such lines shall be construed to be such boundaries.
- (C) Where district boundaries are indicated as approximately coinciding or municipal boundary lines, such lines shall be construed to be such boundaries.
- (D) Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Zoning Map.
- (E) Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
- (F) Where district boundaries are referenced by a distance or measurement from a specific feature, such distance shall be measured in feet and the district boundaries shall follow the specified setback. Where distances or measurements are not specifically referenced on the Official Zoning Map, the scale of the Official Zoning Map shall determine the unspecified setback.
- (G) Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, at the election of the property owner, the regulations of either zoning district may be extended a distance of not more than fifty (50) feet beyond the district boundary line onto the remaining portion of the lot.

- (H) Where physical or cultural features existing on the ground are inconsistent with those indicated on the Official Zoning Map, or when circumstances not covered within the context of this Section apply, the Zoning Hearing Board shall interpret the district boundaries.

Section 304: Application of District Boundaries

The following standards indicated within this section shall be utilized for the generalized application of the base district regulations in association with this Zoning Ordinance.

- (A) Unless otherwise provided by law or the provisions of this Zoning Ordinance, no building, structure or land area shall be used or occupied except for a permitted use in the zoning district within which the building, structure or land area is located.
- (B) Any legally established use of a building structure, lot, land area, or part thereof, which constitutes a conforming use under the provisions of this Zoning Ordinance, may be continued.
- (C) Any legally use which occupies a building structure, lot or land area prior to the effective date of this Zoning Ordinance or amendment thereto, but does not comply with the use regulations of the district in which it is situated after the effective date of this Zoning Ordinance or any amendment thereto, may be continued as a nonconforming use in accordance with the provisions of this Zoning Ordinance.
- (D) The regulations established within this Zoning Ordinance shall apply uniformly to building, structures or uses, unless otherwise specified by other codes or ordinances, as adopted by Upper Bern Township.
- (E) Permitted uses shall adhere to the dimensional requirements for lot area, lot width, yard, height and coverage as specified for the zoning district to which the use is located, unless otherwise specified by this Zoning Ordinance.
- (F) No building, structure or area of land shall be occupied without the issuance of a Certificate of Use and Occupancy by the Zoning Officer or other code official designated by Upper Bern Township.
- (G) No part of a yard, common open space, other open space, off-street parking area, or loading space required in connection with any structure, building or use of the land shall be included as part of a yard, common open space, open space, off-street parking area, or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Zoning Ordinance.
- (H) No yard or lot existing at the time of passage of this Zoning Ordinance, which meets the requirements of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Zoning Ordinance. A yard or lot existing at the time of passage of this Zoning Ordinance shall not be further reduced below the minimum requirements of this Zoning Ordinance.
- (I) Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one (1) street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two (2) or more streets. In the case of a corner lot, the minimum lot width must be provided along each street on which the lot fronts.
- (J) In the case of a lot of irregular shape, the Zoning Officer shall designate or assign the front, side and rear yards, as considered appropriate for the configuration and conditions.
- (K) All territory or land area, which may be annexed to Upper Bern Township shall be considered to be zoned in the same manner as the contiguous territory inside the previous municipal limits until otherwise classified.