

## *Article 3: Joint Zoning Map and Zoning Districts*

### **Section 301: Establishment of Zoning Districts and Overlay Districts**

- (A) As part of this Joint Zoning Ordinance, Lower Alsace Township and Mount Penn Borough have been divided into nine (9) base zoning districts, which shall be designated as follows:

**RC: Rural Conservation Zoning District**  
**R-1: Rural Residential Zoning District**  
**R-2: Low Density Residential Zoning District**  
**R-3: Medium Density Residential Zoning District**  
**R-4: High Density Residential Zoning District**  
**R-5: Urban Residential Zoning District**  
**C-1: Local Commercial Zoning District**  
**C-2: General Commercial Zoning District**  
**I-1: Industrial Zoning District**

- (B) As part of this Joint Zoning Ordinance, Lower Alsace Township and Mount Penn Borough shall apply nine (9) overlay districts, which shall be designated as follows:

**Carsonia Avenue Overlay District**  
**Floodplain Overlay District**  
**Historic Preservation Overlay District**  
**Perkiomen Avenue Overlay District**  
**Riparian Buffer Overlay District**  
**Spook Lane Overlay District**  
**Steep Slope Overlay District**  
**Wetlands Overlay District**  
**Woodlands Overlay District**

### **Section 302: Official Joint Zoning Map**

- (A) The boundaries of the zoning districts shall be depicted on the Joint Zoning Map for Lower Alsace Township and Mount Penn Borough. The Joint Zoning Map and all notations, references and data illustrated thereon are hereby incorporated by reference into this Joint Zoning Ordinance. The official copy of the Joint Zoning Map shall be labeled as the Joint Zoning Map for Lower Alsace Township and Mount Penn Borough, which shall identify the signatures of the respective governing bodies and attested by the respective municipal secretaries, and bear the seal of both Lower Alsace Township and Mount Penn Borough under the following words:

"This is to certify that this is the Official Joint Zoning Map for Lower Alsace Township and Mount Penn Borough, as adopted by the Lower Alsace Township Board of Supervisors on November 22, 2011 as part of the Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011".

"This is to certify that this is the Official Joint Zoning Map for Lower Alsace Township and Mount Penn Borough, as adopted by Mount Penn Borough Council on November 22, 2011 as part of the Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011".

- (B) The Official Joint Zoning Map for Lower Alsace Township and Mount Penn Borough shall be incorporated as part of this Joint Zoning Ordinance. In addition, the following insert maps are hereby included as part of the Official Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough:
- (1) Appendix A of this Joint Zoning Ordinance includes a reduced version of the Joint Zoning Map for Lower Alsace Township and Mount Penn Borough.
  - (2) Appendix B of this Joint Zoning Ordinance includes Inset Map 1, which depicts an enlarged view or scale of the base zoning information that pertains to Mount Penn Borough.
  - (3) Appendix C of this Joint Zoning Ordinance includes Inset Map 2, which depicts the limits of the Carsonia Overlay District and Spook Lane Overlay District within Lower Alsace Township.
  - (4) Appendix D of this Joint Zoning Ordinance includes Inset Map 3, which depicts the limits of the Carsonia Overlay District and Perkiomen Avenue Overlay District within Mount Penn Borough.
- (C) If changes are made to district boundaries or other matters portrayed on the Official Joint Zoning Map, such changes shall be made in accordance with the provisions of Lower Alsace Township, Mount Penn Borough and the Pennsylvania Municipalities Planning Code. All changes shall be entered on the Official Joint Zoning Map after the amendment has been approved by Lower Alsace Township and/or Mount Penn Borough. No changes of any nature shall be made to the Official Joint Zoning Map, or matter thereon shown, except in conformity with the applicable procedures established in this Joint Zoning Ordinance. All changes shall be noted by date, ordinance number with a brief description of the nature of the change.
- (D) The Official Joint Zoning Map shall be located in a place designated by Lower Alsace Township and Mount Penn Borough, and shall be the final authority as to the current zoning status of land and water area within the municipality with jurisdiction regardless of unofficial copies, which may have been made or published from time to time.
- (E) In the event that the Official Joint Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, Lower Alsace Township and Mount Penn Borough may, by resolution, adopt a new Official Joint Zoning Map. The new Official Joint Zoning Map may correct drafting or other errors or omissions on the prior Official Joint Zoning Map, but no such correction shall have the effect of amending the original Official Joint Zoning Map or any subsequent amendment thereof. The new Official Joint Zoning Map shall identify the signatures of the respective governing bodies and attested by the respective municipal secretaries, and bear the seal of both Lower Alsace Township and Mount Penn Borough under the following words:
- "This is to certify that this Official Joint Zoning Map of Lower Alsace Township and Mount Penn Borough, which supersedes and replaces the Official Joint Zoning Map adopted as part of Ordinance Number \_\_\_\_\_ by Lower Alsace Township, Berks County, Pennsylvania".
- "This is to certify that this Official Joint Zoning Map of Lower Alsace Township and Mount Penn Borough, which supersedes and replaces the Official Joint Zoning Map adopted as part of Ordinance Number \_\_\_\_\_ by Mount Penn Borough, Berks County, Pennsylvania".
- (F) Unless the prior Official Joint 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 Joint 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 Joint 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 Joint 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 Joint Zoning Map, the scale of the Official Joint 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 Joint Zoning 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 Joint Zoning Map, or when circumstances not covered within the context of this Joint Zoning Ordinance, the Zoning Hearing Board of the municipality with jurisdiction 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 Joint Zoning Ordinance.

- (A) Unless otherwise provided by law or the provisions of this Joint 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 Joint Zoning Ordinance, may be continued.
- (C) Any legally established use which occupies a building structure, lot or land area prior to the effective date of this Joint 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 Joint Zoning Ordinance or any amendment thereto, may be continued as a nonconforming use in accordance with the provisions of this Joint Zoning Ordinance.
- (D) The regulations established within this Joint Zoning Ordinance shall apply uniformly to building, structures or uses, unless otherwise specified by other codes or ordinances, as adopted by Lower Alsace Township and Mount Penn Borough.
- (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 Joint Zoning Ordinance.
- (F) No building, structure or area of land shall be occupied without the issuance of a zoning permit and/or occupancy permit by the appointed Zoning Officer or other designated code official of the municipality with jurisdiction.
- (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 Joint Zoning Ordinance.
- (H) No yard or lot existing at the time of passage of this Joint Zoning Ordinance, which meets the requirements of this Joint Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Joint

Zoning Ordinance. A yard or lot existing at the time of passage of this Joint Zoning Ordinance shall not be further reduced below the minimum requirements of this Joint 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 appointed Zoning Officer of the municipality with jurisdiction 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 Lower Alsace Township or Mount Penn Borough shall be considered to be zoned in the same manner as the contiguous territory inside the previous municipal limits until otherwise classified.