

UPPER TULPEHOCKEN TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-01

AN ORDINANCE OF UPPER TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA AMENDING: (A.) THE OFFICIAL ZONING MAP OF THE TOWNSHIP ADOPTED BY SECTION 460-8 OF THE UPPER TULPEHOCKEN TOWNSHIP ZONING ORDINANCE OF 1993, AS AMENDED AND CODIFIED IN THE CODE OF THE TOWNSHIP OF UPPER TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA AT SECTIONS 460-1 THROUGH 460-210, BY EXPANDING THE C-3 MIXED COMMERCIAL-RESIDENTIAL ZONING DISTRICT BY APPROXIMATELY TWO (2) ACRES THROUGH THE CONTRACTION OF THE R-2 MEDIUM-DENSITY RESIDENTIAL ZONING DISTRICT, AND EXPANDING THE C-2 GENERAL COMMERCIAL ZONING DISTRICT THROUGH THE CONTRACTION OF THE R-2 MEDIUM-DENSITY RESIDENTIAL ZONING DISTRICT AND THE C-3 MIXED COMMERCIAL-RESIDENTIAL ZONING DISTRICT BY APPROXIMATELY ELEVEN AND SIXTY HUNDREDTHS (11.60) ACRES AND ONE AND THIRTY HUNDREDTHS (1.30) ACRES, RESPECTIVELY, UPON 6 JACOB DRIVE, UPPER TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PA, PROPERTY I.D. NO. 87443206474975; AND (B.) SECTION 460-8 TO ADD SUBSECTION (E), WHICH MEMORIALIZES THE AFOREMENTIONED AMENDMENTS TO THE OFFICIAL ZONING MAP.

**WHEREAS**, Upper Tulpehocken Township, Berks County, Pennsylvania ("Township") is a municipal corporation and township of the second class operating pursuant to the Second Class Township Code, 53 P.S. § 65101, *et seq.*, and the Municipalities Planning Code, 53 P.S. § 101010, *et seq.*;

**WHEREAS**, the Township enacted The Upper Tulpehocken Township Zoning Ordinance of 1993, as amended, which is codified in Sections 460-1 through 460-210 in the Code of the Township of Upper Tulpehocken, Berks County, Pennsylvania ("Zoning Ordinance");

**WHEREAS**, the Township has within it that certain real property situated at 6 Jacob Drive, which is identified as Property I.D. No. 87443206474975 and contains approximately forty-seven and three hundredths (47.03) acres ("Property");

**WHEREAS**, the Property is one tract but has three (3) different zoning district classifications, R-2 Medium-Density Residential (“R-2”), C-2 General Commercial (“C-2”), and C-3 Mixed Commercial-Residential (“C-3”), pursuant to the Township’s Official Zoning Map adopted in Section 460-8 of the Zoning Ordinance;

**WHEREAS**, Pinnacle Realty Development Company (“Applicant”), a Pennsylvania limited liability company, filed with the Township a Rezoning Application for the Property in January 2024 as its equitable owner (“Rezoning Application”);

**WHEREAS**, the Rezoning Application requests that the Township rezone portions of the Property to: (i.) expand the C-3 by approximately two (2) acres through the contraction of the R-2; and (ii.) expand the C-2 in another area through the contraction of R-2 and C-3 by approximately eleven and sixty hundredths (11.60) acres and one and thirty hundredths (1.30) acres, respectively (collectively, the “Proposed Rezoning”);

**WHEREAS**, the Township believes that the Proposed Rezoning will promote the health, safety and welfare of its residents by allowing a limited increase of the C-2 and C-3 Zoning Districts in the immediate vicinity of the interchange of State Route 183 and Interstate 78 to enable highway-related business(es); and

**WHEREAS**, the Township is hereby amending Section 460-8 of the Zoning Ordinance to amend and update the Official Zoning Map referenced therein with the Proposed Rezoning.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Upper Tulpehocken Township, Berks County, Pennsylvania as follows:

**Section 1. Zoning Map Amendments.** The Official Zoning Map of the Township adopted by Section 460-8(A) of the Zoning Ordinance and attached to the Zoning Ordinance as Attachment 3 is hereby amended and updated as follows:

- a.) Upon 6 Jacob Drive, the C-3 Mixed Commercial-Residential Zoning District is expanded by two (2.0) acres, more or less, at the contraction of the R-2 Medium-Density Residential Zoning District in the same acreage;
- b.) Upon 6 Jacob Drive, the C-2 General Commercial Zoning District is expanded by one and thirty hundredths (1.30) acres, more or less, at the contraction of the C-3 Mixed Commercial-Residential Zoning District in the same acreage; and
- c.) Upon 6 Jacob Drive, the C-2 General Commercial Zoning District is expanded by eleven and sixty hundredths (11.60) acres, more or less, at the contraction of the R-2 Medium-Density Residential Zoning District in the same acreage.

The Official Zoning Map, as amended, is attached to this Ordinance and incorporated herein by reference as Exhibit "A," and shall replace the existing Attachment No. 3 to the Zoning Ordinance.

**Section 2. Codification Amendment.** Section 460-8, "Official Zoning Map," of the Zoning Ordinance is hereby amended to add Subsection (E.) as follows:

- E. The Official Zoning Map was amended by the Board of Supervisors of Upper Tulpehocken Township on Tuesday, April 9, 2024 through the enactment of Ordinance No. 2024-01, which Official Zoning Map, as amended, is attached hereto and incorporated by reference herein as Attachment 3.

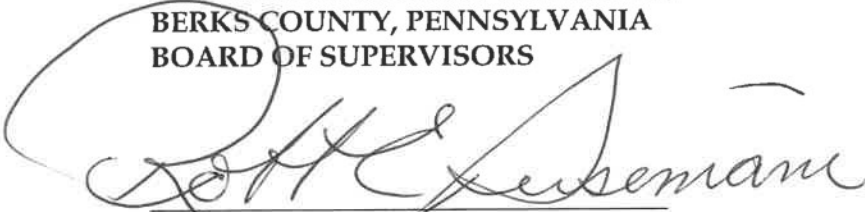
**Section 3. Repealer.** Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with the provisions herein.

**Section 4. Severability.** If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of this ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The Board of Supervisors of Upper Tulpehocken Township, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, without the limitation, restriction, sentence, clause, phrase or word declared illegal, unconstitutional or invalid.

**Section 5. Effective Date.** This Ordinance shall become effective at the earliest date permitted by law.

DULY ENACTED AND ORDAINED as an Ordinance of Upper Tulpehocken Township, Berks County, Pennsylvania on this 9th day of April, 2024.

UPPER TULPEHOCKEN TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA  
BOARD OF SUPERVISORS



Robert Deisemann, Chairman



David Yost, Vice Chairman



Sherry Fuhrmann, Member

Attest:   
Susan Ehrets, Secretary

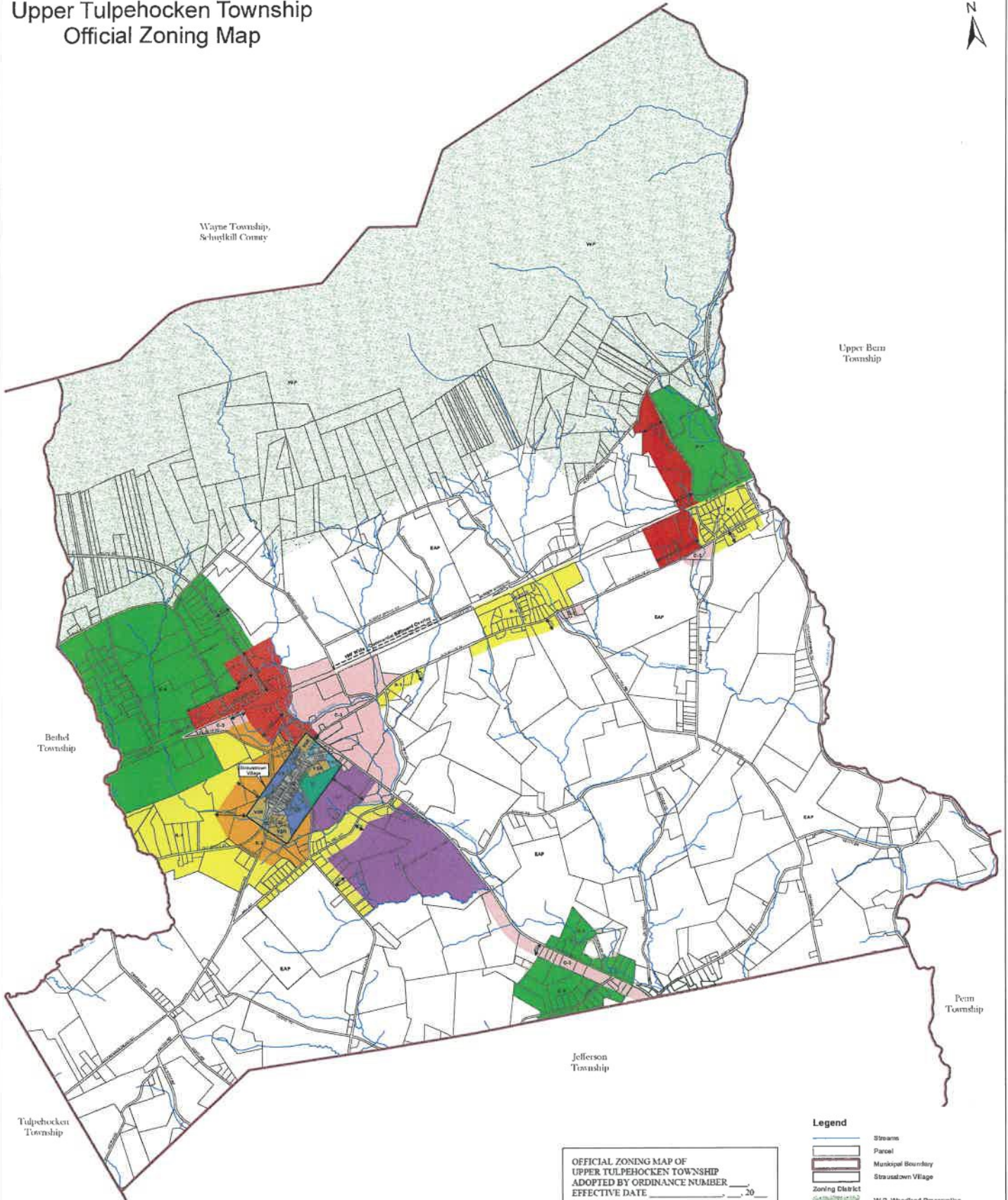
MUNICIPAL CERTIFICATION

I, Susan Ehrets, Township Manaer, certify that this is a true and correct copy of the Ordinance enacted by the Board of Supervisors of Upper Tulpehocken Township, Berks County, Pennsylvania on April 9, 2024.

  
Susan Ehrets, Manager

EXHIBIT "A"

# Upper Tulpehocken Township Official Zoning Map



- Legend**
- Streams
  - Parcel
  - Municipal Boundary
  - Stroudstown Village
  - Zoning District**
  - W-P Woodland Preservation
  - R-P Rural Preservation
  - EAP Effective Agricultural Preservation
  - R-1 Low-Density Residential
  - R-2 Medium-Density Residential
  - C-1 Recreation-Commercial
  - C-2 General Commercial
  - C-3 Mixed Commercial-Residential
  - I-1 General Industrial
  - Commercial Billboard Overlay District
  - VC Village Center
  - VR Village Residential
  - VSR Village Suburban Residential
  - VHC Village Highway Commercial
  - VI Village Industrial

OFFICIAL ZONING MAP OF  
UPPER TULPEHOCKEN TOWNSHIP  
ADOPTED BY ORDINANCE NUMBER \_\_\_\_\_  
EFFECTIVE DATE \_\_\_\_\_, 20\_\_

UPPER TULPEHOCKEN TOWNSHIP  
BOARD OF SUPERVISORS

ROBERT DEISEMANN \_\_\_\_\_

SHERRY FUHRMANN \_\_\_\_\_

DAVID YOST \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SUSAN EHRETS  
TOWNSHIP MANAGER

