

ORDINANCE NO. 2004-03

AN ORDINANCE OF THE BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA AMENDING THE BETHEL TOWNSHIP ZONING ORDINANCE OF 2000, (ORDINANCE NO. 2000-04 WHICH WAS FURTHER AMENDED BY ORDINANCE NO. 2002-03 AND FURTHER AMENDED BY ORDINANCE NO. 2003-01 AND FURTHER AMENDED BY ORDINANCE NO. 2004-02); BY AMENDING THE HEIGHT REQUIREMENTS IN THE V – VILLAGE DISTRICT TO ALLOW FOR INCREASED HEIGHTS IN EXCESS OF THIRTY-FIVE FEET BY CONDITIONAL USE

The Board of Supervisors of the Bethel Township, Berks County, Pennsylvania, pursuant to the authority set forth in the Pennsylvania Municipalities Planning Code, and the authority set forth in the Pennsylvania Second Class Township Code hereby enacts and ordains the following:

Section 1. The Bethel Township Zoning Ordinance of 2000, as amended, is hereby further amended as follows:

a. Section 540 under the category "Non-Residential" shall be amended to read: "Thirty-five (35) feet unless a conditional use is granted pursuant to Section 541."

b. Section 540 under the category "Setbacks" shall be amended by adding the phrase "subject to Section 541 below."

c. A new Section 541 shall be added to read as follows:

"Increased height by conditional use"

"The Board of Supervisors may, by conditional use allow non-residential structures to exceed thirty-five (35) feet by conditional use subject to the following standards:

- a. The proposed structure shall otherwise be consisted with the purposes and intent of this Ordinance;
- b. The proposed structure shall in no event exceed Sixty (60) feet in height;
- c. The Board shall find after hearing that the increased height will not adversely affect surrounding property owners;
- d. The Applicant shall demonstrate to the satisfaction of the governing body that fire suppression and other safety concerns shall be addressed in light of the existing fire and safety equipment available; and,

- e. Any increase beyond thirty-five (35) feet shall require that front-yard, side-yard and rear-yard setbacks shall all be increased the same distance as the structure exceeds thirty-five (35) feet beyond the setbacks already required."

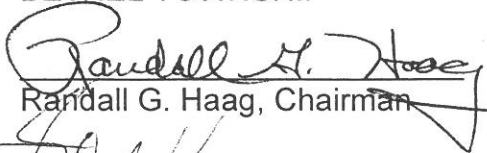
Section 2. In the event any provision, section, sentence, clause or portion of this Ordinance is held to invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining Ordinance. Each provision of this Ordinance is severable for this purpose. It is the intent of the Board of Supervisors of Bethel Township that the remainder of this Ordinance shall remain in full force and effect notwithstanding the fact that any such portion thereof shall be invalid or unconstitutional.

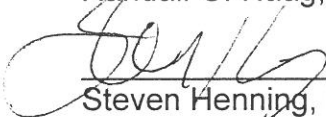
Section 3. All Ordinances and/or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed in so far, but only in so far as the same are inconsistent therewith.

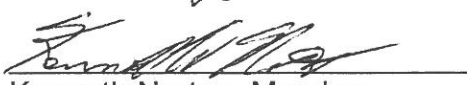
Section 4. This Ordinance shall take effect within five (5) days after its passage.

IN WITNESS WHEREOF the Board of Supervisors of Bethel Township, Berks County, Pennsylvania in lawful session hereby enacts and ordains this Ordinance this 27 day of September, 2004.

BOARD OF SUPERVISORS OF
BETHEL TOWNSHIP


Randall G. Haag, Chairman


Steven Henning, Member


Kenneth Norton, Member

Attest:


Jayne Seifrit, Secretary