

ORDINANCE NO. 2000 - 03

AN ORDINANCE OF THE TOWNSHIP OF BETHEL, BERKS COUNTY, PENNSYLVANIA ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE FOR REVIEW OF SUBDIVISION AND/OR LAND DEVELOPMENT PLANS PENDING ADOPTION BY THE TOWNSHIP OF A NEW ZONING ORDINANCE AND A NEW ZONING MAP.

The Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania hereby finds as follows:

1. On April 17, 2000, the Board of Supervisors adopted Resolution 2000-01.

2. The Board of Supervisors, through Resolution 2000-01, directed the Bethel Township Planning Commission to: a) prepare a new zoning ordinance incorporating effective agricultural zoning principles; b) prepare a new zoning map to include areas where effective agricultural zoning principles would apply; and c) make other changes to the zoning ordinance as may be appropriate or necessary.

3. The Board of Supervisors, through Resolution 2000-01, appointed a 15 member Advisory Committee to assist the Bethel Township Planning Commission in the preparation of a draft of a new zoning ordinance and new zoning map.

4. The Board of Supervisors, through Resolution 2000-01, established a schedule for workshops designed to develop a new zoning ordinance and new zoning map, for a public meeting and for a public hearing prior to the adoption of a new zoning ordinance and new zoning map.

5. The Board of Supervisors, pursuant to Resolution 2000-01, will act to adopt a new zoning ordinance and a new zoning map at the regularly scheduled Board of Supervisors meeting to be held December 18, 2000.

6. A Notice to All Landowners and Residents of Bethel Township, Berks County, Pennsylvania, advising the public of the schedule for workshops, the public meeting, the public hearing and the Board of Supervisors' intention to adopt a new zoning ordinance and new zoning map, was published in the *Reading Eagle/Reading Times* newspapers on April 24, 2000.

7. The Notice to All Landowners and Residents of Bethel Township, Berks County, Pennsylvania, was also posted at the Bethel Community Center and at the Bethel Township Office.

8. The Board of Supervisors and various landowners and residents of Bethel Township, Berks County, Pennsylvania, including members of the Advisory Committee appointed to assist the Planning

Commission in preparation of a new zoning ordinance and new zoning map, believe that numerous residential, agricultural and commercial developments may be proposed and presented to the Bethel Township Planning Commission for review prior to the adoption of the new zoning ordinance and new zoning map.

9. The Board of Supervisors is concerned that certain of the residential, agricultural and commercial development proposals may be inconsistent with, and inimical to, the effective agricultural zoning provisions of a new zoning ordinance and the agricultural zoning districts to be established by a new zoning map.

10. The Board of Supervisors believes that a temporary moratorium on the acceptance for review of subdivision and/or land development plans is necessary to ensure and maintain the integrity of the planning process as it relates to the development and implementation of a new zoning ordinance and new zoning map.

11. The Board of Supervisors has the authority, under circumstances in which a new zoning ordinance and new zoning map are in the process of being developed, to impose a temporary moratorium on subdivision and/or land development applications pursuant to the case of Naylor v. Township of Hellam, 717 A.2d 629 (Pa.Cmwlth. 1998).

The Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania therefore enacts and ordains as follows:

Section 1. Moratorium.

From the effective date of this Ordinance through and including December 23, 2000:

a. The Bethel Township Clerk shall accept no application for review of any proposed subdivision and/or land development plan required to be submitted to the Bethel Township Planning Commission pursuant to Ordinance 1999-3, the Subdivision and Land Development Ordinance for Bethel Township.

b. The Bethel Township Clerk shall accept no application fee, as established by Resolution 1998-6, for the review of any proposed subdivision and/or land development plan required to be submitted to the Bethel Township Planning Commission pursuant to Ordinance 1999-3.

c. The Bethel Township Clerk shall not refer any proposed subdivision and/or land development plan required to be submitted to the Bethel Township Planning Commission pursuant to Ordinance 1999-3 to the Berks County Planning Commission,

nor accept any fee required by the Berks County Planning Commission for review of a proposed subdivision and/or land development plan.

d. The Bethel Township Planning Commission shall not accept for review any proposed subdivision and/or land development plan.

Section 2. Expiration.

The moratorium on the acceptance of applications for review of proposed subdivision and/or land development plans shall expire December 23, 2000.

Section 3. Repealer.

All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.

Section 4. Severability.

If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses,

sections or parts of this Ordinance. It is hereby declared the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

Section 5. Effective date.

This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 19th day of June, 2000.

BOARD OF SUPERVISORS OF
BETHEL TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

By: James Lehman
James Lehman, Chairman

By: Eugene R. Seiverling
Eugene Seiverling

By: Paul D. Lerch
Paul Lerch