

ORDINANCE NO. 2002 - 03

AN ORDINANCE OF THE TOWNSHIP OF BETHEL, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA REPEALING ORDINANCE 2002-01, AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE TEXT OF ORDINANCE 2000-04, THE BETHEL TOWNSHIP ZONING ORDINANCE OF 2000, RE-ENACTING THE PROVISIONS CONTAINED WITHIN ORDINANCE 2002-01 AND ENACTING ADDITIONAL AMENDMENTS TO THE TEXT OF ORDINANCE 2000-04, THE BETHEL TOWNSHIP ZONING ORDINANCE OF 2000.

The Board of Supervisors of the Township of Bethel, County of Berks, Commonwealth of Pennsylvania hereby finds and determines that:

1. On December 18, 2000, the Board of Supervisors enacted Ordinance 2000-04, the Bethel Township Zoning Ordinance of 2000, (hereafter Ordinance 2000-04).

2. Ordinance 2000-04 repealed all prior zoning ordinances enacted by the Township and rescinded all prior zoning permits and zoning hearing board decisions issued pursuant to the repealed zoning ordinances.

3. Ordinance 2000-04 eliminated prior zoning districts, created new zoning districts and changed the zoning classification of a majority of the properties in the Township.

4. On July 15, 2002, the Board of Supervisors, upon recommendation of the Bethel Township Planning Commission, enacted Ordinance 2002-01, titled "An Ordinance of the Township of Bethel, County of Berks, Commonwealth of Pennsylvania Amending Certain Sections of the Text of Ordinance 2000-04, the Bethel Township Zoning Ordinance of 2000," which amended certain portions of the text of Ordinance 2000-04.

5. Due to defects in the process of enactment of Ordinance 2002-01, the amendments to the text of Ordinance 2000-04 are not enforceable.

6. Since the enactment of Ordinance 2002-01, the Board of Supervisors has determined that additional amendments to the text of Ordinance 2000-04 are necessary to ensure the fair and just enforcement of land use regulations within the Township.

The Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania therefore **ENACTS** and **ORDAINS** the following:

Section 1. Ordinance 2002-01, An Ordinance of the Township of Bethel, County of Berks, Commonwealth of Pennsylvania Amending Certain Sections of the Text of Ordinance 2000-04, the Bethel Township Zoning Ordinance of 2000, is hereby repealed in its entirety.

Section 2. Section 308 of Ordinance 2000-04, Definition of Terms, is amended as follows:

a. The definitions of the terms "Street," "Public Road or Street", "Approved Private Road or Street," "Sign," "Sign, Advertising," and "Sign, Business" as set forth in Section 308 are deleted from section 308.

b. The following definitions are added to section 308:

STREET or ROAD. Includes any street, road, avenue, thoroughfare, boulevard, highway, freeway, parkway, thru-way, lane, alley, viaduct, court, path and any other way used, or intended to be used, by vehicular traffic.

PUBLIC STREET OR ROAD. A street or road that has been dedicated or deeded to, and accepted by, the Township or Commonwealth, or which by custom and use is maintained by the Township or Commonwealth.

APPROVED PRIVATE STREET OR ROAD. A legally established right-of-way, not deeded or dedicated to, nor maintained by, the Township, that provides the primary vehicular access to a lot that has been created as part an of approved subdivision or land development plan. After the effective date of this Ordinance, only an Approved Private Street or Road may be created. All Approved Private Streets or Roads shall comply fully with the requirements of Bethel Township Subdivision and Land

Development Ordinance in effect at the time the subdivision or land development plan is approved.

PRIVATE STREET OR ROAD: An access way, not deeded or dedicated to, nor maintained by, the Township, that provides the primary vehicular access to a lot. Any Private Street or Road in existence on the effective date of this Ordinance may continue to exist and may be extended to serve other lots existing at the effective date of this Ordinance. No Private Road or Street may be created after the effective date of this Ordinance, nor may any Private Road or Street be extended to serve a lot created after the effective date of this Ordinance.

SIGN. Any device designed to inform or attract attention. For purposes of this Ordinance, the term SIGN does not include mailboxes, address numbers, names of occupants, flags and insignias of governments, legal notices, devices for the giving of direction or information required by governmental bodies, or devices directing or guiding traffic and parking without the use of advertising matter.

OFF-PREMISE SIGN. A sign that directs attention to products, accommodations, services or activities offered at locations other than the property upon which the sign is erected or displayed.

ON-PREMISE SIGN. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities available on the premises.

TRAVEL CENTER. A highway-oriented complex providing fuel and repair services, food and ancillary services, and limited-term parking for over-the-road commercial vehicles.

c. The definition of the term Shooting Range is amended to include archery. The amended definition of the term Shooting Range shall read as follows:

SHOOTING RANGE. A place where the public, for a fee or by invitation, can discharge firearms and/or utilize archery equipment for recreation, competition, skill development or

training. A Shooting Range does not include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

Section 3. Section 500 of Ordinance 2000-04, providing for regulation within the V - Village zoning district, is amended to add the following Use Permitted by Special Exception:

a. Section 530.19 Hotel or Motel

Section 4. Section 600 of Ordinance 2000-04, providing for regulation within the AP - Agricultural Preservation zoning district, is amended as follows:

a. Section 630.05(a) is amended by substituting the word "maximum" for the word "minimum". The amended text of Section 630.05 shall read as follows:

630.05(a) Notwithstanding the provisions of section 650 of this Ordinance, the maximum lot size for a Telecommunication Facility land use shall be one (1) acre.

b. Section 640.05 is amended to add the phrase "and further by the provisions of Section 650 of this Ordinance related to lot size." The amended text of Section 640.05 shall read as follows:

640.05 The total number of single-family detached dwellings permitted shall be in accordance with the size of the Parent Tract on the effective date of this Ordinance, and further by the provisions of Section 650 of this Ordinance related to lot size.

c. Section 651 is added to Ordinance 2000-04. The title and text of Section 651 are as follows:

651 Lots Exceeding Maximum Lot Size

A proposed residential lot that exceeds the 2-acre maximum lot size may be permitted, provided the landowner has a sufficient quota of additional lots available and agrees to use such available lots for this purpose.

Example 1: Assume, based on the size of the Parent Tract, a landowner is entitled to create 3 additional 2-acre lots. The landowner proposes a 2.5-acre lot for the first lot. Since the proposed 2.5-acre lot exceeds the maximum lot size of 2-acres, the landowner will be required to use 2 of his/her quota of 3 available lots to create the proposed 2.5-acre lot. The remaining third available lot shall not exceed 2-acres in size.

Example 2: Assume, based on the size of the Parent Tract, a landowner is entitled to create 3 additional 2-acre lots. However, the landowner proposes a 5-acre lot for the first lot. Since the 5-acre lot exceeds the maximum lot size of 2-acres, the landowner will be required to use his/her entire quota of available lots, 3, to create the proposed 5-acre lot and may not create any additional lots.

Section 5. Section 700 of Ordinance 2000-04, providing for regulation within the IC zoning district, is amended to add sections 720.29 and 720.30 to the Uses Permitted by Right and sections 730.23, 730.24, 730.25 and 730.26 to the Uses Permitted by Special Exception, and section 740 is amended to increase the maximum height of buildings

a. The text of Section 720.29 reads as follows:

720.29 Single-family dwelling, subject to the following limitations:

a. The single-family dwelling shall be located only upon land used for a General Agriculture, Intensive Agriculture or Highly Intensive Agriculture use.

b. The single-family dwelling shall be occupied only by the owner, operator, manager or an employee of the agricultural operation.

c. No subdivision of a lot containing a single-family dwelling shall be permitted.

b. The text of section 720.30 reads as follows:

720.30. Cultural and historical facilities, such as museums and historical monuments.

c. The text of Section 730.23 reads as follows:

730.23 Home Premises Business, subject to the requirements of Section 1040.

d. The text of Section 730.24 reads as follows:

730.24 Campground, subject to requirements set forth in section 830.04 of this Ordinance.

e. The text of Section 730.25 reads as follows:

730.25 Travel Center

f. The text of Section 730.26 reads as follows:

730.26 Shooting Range

g. Section 740 is amended to increase the maximum height of buildings located within the I-C zoning district as follows:

Maximum Permitted

Building Height - single-story structure 65 feet

Building Height - multi-story structure 40 feet

The owner/developer of the building shall provide the zoning officer with proof that the fire company serving the area where the building is located has been notified in writing of all structures exceeding 40 feet in height prior to the issuance of an occupancy permit.

Section 6. Section 1010 of Ordinance 2000-04, providing for General Regulations Applying to All Districts and Uses is amended as follows:

a. Section 1012 is amended to delete the phrase "a public street or a private street" and to add the phrase "a Public Street or Road or an Approved Private Street or Road."

The amended text of section 1012 shall read as follows:

Section 1012 Access to Lots

Every lot created after the effective date of this Ordinance shall abut a Public Street or Road or an Approved Private Street or Road. The minimum width of the lot that abuts the street, as measured at the street line, shall be as set forth in the applicable zoning district in this Ordinance. One, and only one, lot may be subdivided from a tract of land that exists at the time of the effective date of this Ordinance, which will contain less than the required minimum width at the street line as set forth for the applicable zoning district. For such lot, the minimum lot width at the street line shall be fifty (50) feet. The minimum lot width at the building setback line of the applicable zoning district, however, will have to be met, as well as any and all other requirements.

b. Section 1018.3 of Ordinance 2000-04, providing for Uses Permitted by Special Exception in a Floodway is amended to delete subsection "a." relating to outlet installations for sewage treatment plants; the remaining subsections "b." and "c." are relettered as subsections "a." "b." The text of the amended Section 1018.3 reads as follows:

1018.03 Uses Permitted by Special Exception:

a. Social and Recreational Facilities, when permitted by the prevailing zoning district regulations, that include buildings and structures.

b. The placement of any structures or fill material.

c. Section 1020 of Ordinance 2000-04, which regulates the Placement of Residential Accessory Structures, is amended by adding section 1020.07 regulating sideyard setback requirements in the Village zoning district.

Section 1020.07 Within the V zoning district, the Side Yard Setback for residential accessory structures shall be five (5) feet.

d. Section 1029 of Ordinance 2000-04, providing for Sign regulation, is amended to add subparagraph (14) to Section 1029.20A Classification of Signs. The text of Section 1029.20A (14) reads as follows:

Section 1029.20A(14) Off-Premise Sign

(a) Signs associated with uses located within Bethel Township: Two such signs may be permitted within the Township for each on-premise sign allowed for a specific use. Each such sign shall be limited to a maximum 32 square feet per side in total area. Approval for additional signs shall be by special exception.

(b) Signs associated with uses not located within Bethel Township: Two such signs shall be permitted within the Township for each such use (e.g. business, church, etc.) not located within the Township. Each such sign shall be limited to a maximum of 32 square feet per side in total area. Approval for additional such signs shall be by special exception.

e. Section 1030 of Ordinance 2000-04, providing for regulation of Non-conforming Uses, Lots and Structures, is amended to read as follows:

Section 1030.06 Relief

All requests for relief from the requirements of any of the provisions of Section 1030 shall be by application to the Zoning Hearing Board for a Special Exception.

f. Section 1034.01 of Ordinance 2000-04, regulating Adult Businesses, is amended to add "cultural facilities such as museums and the like" and to delete the second reference to "campgrounds" from the buffer area around adult business locations. The text of the amended section 1034.01 shall read as follows:

1034.01 No Adult Book Store, Adult Motion Picture Theater, Cabaret or Massage Establishment shall be located within 1000 feet of any school, Churches, Places of Worship and Related Uses, public library, residential dwelling, Nursing, Rest or Retirement Home, Group Home, Campground, child care facility, cultural facilities such as museums and the like, community center, park, playground, other lands where minors congregate, or the boundary of the Zoning District established by this Ordinance.

g. Section 1040 of Ordinance 2000-04, providing for regulation of Home Premises Business, is amended to preclude the outside storage of materials in the EP zoning district. The amended text of section 1040.04 shall read as follows:

1040.04 There shall be no external storage of materials or products in the V and EP Districts. External storage of materials or products shall be permitted in the IC and AP Districts. The location of such materials or products shall be subject to the setback requirements of the appropriate zoning district. Under no circumstance shall discarded, unusable or other similar materials be stored outside.

h. Section 1043, providing for the regulation of multiple principal uses of a property, is added to Ordinance 2000-04 and reads as follows:

Section 1043 Multiple Principal Uses of a Property:

1043.01 Within the V and AP Zoning Districts no more than two (2) principal uses may be located on a property unless a Special Exception is granted by Zoning Hearing Board.

1043.02 Within the EP Zoning District no more than one (1) principal use may be located upon a property unless a Special Exception granted by the Zoning Hearing Board.

i. Section 1044, prohibiting the erection of any structure the interferes with the operation of an airport or heliport, is added to Ordinance 2000-04 and read as follows:

1044 Interference with Airport and Heliport Operation:

No structure may be erected that would result in the revocation of a license to operate an airport or heliport.

Section 7. Enforcement.

This Ordinance shall be enforced pursuant to the provisions of the Bethel Township Zoning Ordinance of 2000, as amended.

Section 8. Repeals.

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

Section 9. Severability.

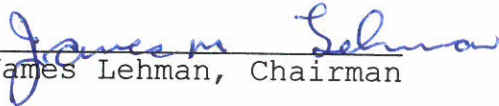
If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is 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 10. Effective date:

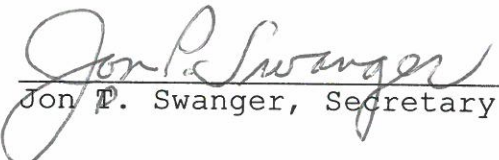
This Ordinance shall become effective five (5) day after its adoption.

ENACTED AND ORDAINED this 21st day of October, 2002.

BOARD OF SUPERVISORS OF
BETHEL TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA


James Lehman, Chairman


Paul D. Lerch, Vice-Chairman &
Treasurer


Jon P. Swanger, Secretary