

Upper Bern Township Ordinance Number 141 - 2017

An Ordinance of Upper Bern Township, Berks County, Pennsylvania, which is intended to amend the Upper Bern Township Zoning Ordinance of 2008, by amending certain provisions relating to commercial recreation uses and security guard quarters.

Whereas, Upper Bern Township has duly adopted and does maintain a zoning ordinance titled the "Upper Bern Township Zoning Ordinance of 2008" (the "Zoning Ordinance").

Whereas, Section 609 of Pennsylvania Municipalities Planning Code ("MPC") authorizes municipalities to amend their zoning ordinances.

Whereas, the Board of Supervisors believes it is in the best interest of Upper Bern Township to further regulate commercial recreation uses and security guard quarters by modifying or establishing specific standards.

Whereas, the Board of Supervisors has considered the comments of the Berks County Planning Commission, the Upper Bern Township Planning Commission and the general public after a public hearing duly conducted in accordance with the provisions of the MPC and the Zoning Ordinance.

Now therefore, be it ordained that the Upper Bern Township Board of Supervisors does hereby approve and adopt the following amendments to the Zoning Ordinance, as follows:

Section 1: The following definitions contained within Section 202 (Specific Terms) of the Zoning Ordinance shall be revised or modified as follows:

Commercial Recreation Use: A use or activity operated as a business that is open to the public for the purpose of providing recreation and entertainment activities, including but not limited to: bowling alleys; health or fitness clubs; swimming pools or aquatic centers; miniature golf courses; museums; theaters; entertainment or event centers; agricultural, equestrian or horticultural performance centers; rodeos; demolition derbies; sports complex or arenas; amusement arcades and rides, community events; and other similar commercial recreational uses as determined by the Zoning Officer.

Security Guard Quarters: A secondary housing unit that is an independent component of a permitted non-residential use or attached to a permitted non-residential building, which is placed or contained on a non-residential property for the purposes of housing a security guard in accordance with Section 714.4 of this Zoning Ordinance. The term "security guard quarters" shall be synonymous with the term "security guard housing".

Section 2: The following use shall be added under Section 407(D) as a permitted use by special exception within the Highway Commercial (HC) Zoning District:

Section 407(D)(12): Secondary Housing Unit, subject to Section 714 of this Zoning Ordinance.

Section 3: The following use shall be added under Section 409(D) as a permitted use by special exception within the Agricultural Industrial (AI) Zoning District:

Section 409(D)(11): Recreation Uses, subject to Section 805 of this Zoning Ordinance.

Section 4: The following provision shall replace the initial statement for "security guard housing" contained under Section 714.4(A) of the Zoning Ordinance:

Section 714.4(A): Security guard quarters, as defined under Article 2 of this Zoning Ordinance, shall be permitted by special exception within the RC, HC, GI and AI Zoning Districts.

Section 13: Severability: Should any section or provision of this amendment be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision or declaration shall not affect the validity or enforcement of the Upper Bern Township Zoning Ordinance.

Section 14: Repealer: Any other provision of any ordinance inconsistent with the provisions of this zoning amendment is repealed to the extent of the inconsistency. All other provisions of the Upper Bern Township Zoning Ordinance shall remain in full force and effect.

Section 15: Effective Date: This Ordinance shall become effective within five (5) days after adoption.

Section 16: Municipal Enactment: Ordained and enacted by the Upper Bern Township Board of Supervisors this 9th day of March, 2017, by a vote of: 3 Yes; 0 No; 0 Abstained; 0 Absent.

Upper Bern Township Board of Supervisors

By: Emi Heiff

Nancy A. Hartman

Rodney Toel

Attest:

Imyag Och
Upper Bern Township Secretary