

**TOWNSHIP OF UPPER BERN  
COUNTY OF BERKS  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO.: 149 of 2019**

**AN ORDINANCE OF UPPER BERN TOWNSHIP, BERKS COUNTY,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING THE UPPER BERN  
TOWNSHIP ZONING ORDINANCE BY UPDATING THE ZONING MAP.**

WHEREAS, zoning in Upper Bern Township is currently regulated by the Upper Bern Township Zoning Ordinance, originally adopted in 2008 and amended from time to time thereafter; and

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code ("MPC") authorizes municipalities to amend their zoning ordinances and Section 1309 of the Upper Bern Township Zoning Ordinance sets forth a procedure for amendments; and

WHEREAS, the Upper Bern Township Board of Supervisors received a request/petition from a landowner seeking to change the zoning classification of the area in which their property is located; and

WHEREAS, the property in question, the address of which is: (1) Mountain Road, assigned Parcel Number 28-4454-00-70-8539 by the Berks County Assessment Bureau, containing 2.44 acres; and (2) a portion of 3450 Mountain Road, assigned Parcel Number 28-4453-00-79-4821 by the Berks County Assessment Bureau, such portion containing 2.24 acres, owned by Mountain Springs Investors, LLC (collectively, the "Premises"), is currently located in the Blue Mountain Preservation (BMP) Zoning District, but it is requested by the owner that the zoning classification be amended to Resort Commercial (RC) Zoning District to allow the owner to operate a campground on the property, and that such further amendments necessary to effectuate such a use of the property be made; and

WHEREAS, the Premises is adjacent to property located in the RC Zoning District; and

WHEREAS, Article III of the Upper Bern Township Zoning Ordinance, the Zoning Map, places the Premises in the BMP Zoning District; and

WHEREAS, the Upper Bern Township Board of Supervisors have considered the request, and deem it in the overall best interest of the Township to approve the request, as stated in the body of this Ordinance;

WHEREAS, the Upper Bern Township Board of Supervisors have complied with all advertising, notice, and hearing requirements of the Upper Bern Township Zoning Ordinance and the Pennsylvania MPC, and has considered the comments of the Berks County Planning Commission, the Upper Bern Township Planning Commission, and the general public after a public hearing;

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 Zoning District of the following area of land located within Upper Bern Township, Berks County, is hereby amended from BMP to RC: the parcels of land located in Upper Bern Township being owned as of August 28, 2018, by Mountain Springs Investors, LLC, identified as Parcel Number 28-4454-00-70-8539 and Parcel Number 28-4453-00-79-4821 by the Berks County Assessment Bureau (and containing 4.68 Acres +/-), the same being situated on 3450 Mountain Road, the same being a portion of the parcel described in the Deed recorded at 2016-013635 and all of the parcel described in the Deed recorded at 2018-029211 in the Office of the Recorder of Deeds of Berks County, and the same being pictured on the Exhibit "A" attached to this Ordinance.

**Section 2.** The Zoning Map of Upper Bern Township adopted pursuant to Article III of the Upper Bern Township Zoning Ordinance shall be amended to reflect the change in Zoning District as stated in Paragraph 1 of this Ordinance. The amendment shall be made consistent with Section 1309 of the Upper Bern Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

**Section 3.** The Upper Bern Township Board of Supervisors specifically find that the amendment made by this Ordinance is in accordance with the spirit and intent of the formally adopted portions of the Joint Comprehensive Plan of Northern Berks County.

**Section 4.** All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

**Section 5.** If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

**Section 6.** This Ordinance shall become effective upon adoption.

**ORDAINED AND ENACTED** this 14<sup>th</sup> day of March, 2019, by a vote of 2  
Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained Ervin Steinly Absent.

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Ervin Steinly, Chairman

By: Nancy Hartman  
Nancy Hartman, Vice Chairman

By: Gloria Grim  
Gloria Grim, Supervisor

Attest:

Ben Shavall  
Secretary