

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

ORDINANCE NO.: 158-2021

**AN ORDINANCE OF UPPER BERN TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA, TO AMEND THE UPPER BERN TOWNSHIP ZONING
ORDINANCE OF 2008 TO PROVIDE FOR CERTAIN CONDITIONAL USES IN
VARIOUS ZONING DISTRICTS AND REPEALING CERTAIN SPECIAL EXCEPTION
USES**

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"); and

WHEREAS, Section 609 of Pennsylvania Municipalities Planning Code ("MPC") authorizes municipalities to amend their zoning ordinances; and

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Section 1: The text of Section 402(d) is hereby repealed and 402(d) is hereby "Reserved". The uses previously set forth in this section as Special Exception Uses in the Agricultural Preservation Zoning District, are hereby added to Section 402(c) and are now uses by Conditional Use.

Section 2. The text of Section 403(d) is hereby repealed and 403(d) is hereby "Reserved". The uses previously set forth in this section as Special Exception Uses in the Blue Mountain Preservation Zoning District, are hereby added to Section 403(c) and are now uses by Conditional Use.

Section 3. The text of Section 404(d) is hereby repealed and 404(d) is hereby "Reserved". The uses previously set forth in this section as Special Exception Uses in the Medium Density Residential Zoning District, are hereby added to Section 404(c) and are now uses by Conditional Use.

Section 4. The text of Section 405(d) is hereby repealed and 405(d) is hereby "Reserved". The uses previously set forth in this section as Special Exception Uses in the Shartlesville Village Zoning District, are hereby added to Section 405(c) and are now uses by Conditional Use.

Section 5. The text of Section 406(d) is hereby repealed and 406(d) is hereby "Reserved". The uses previously set forth in this section as Special Exception Uses in the Resort Commercial Zoning District, are hereby added to Section 406(c) and are now uses by Conditional Use.

Section 6. The text of Section 407(d) is hereby repealed and 407(d) is hereby "Reserved". The uses previously set forth in this section as Special Exception Uses in the Highway Commercial Zoning District, are hereby added to Section 407(c) and are now uses by Conditional Use.

Section 7. The text of Section 408(d) is hereby repealed and 408(d) is hereby "Reserved". The uses previously set forth in this section as Special Exception Uses in the General Industrial Zoning District, are hereby added to Section 408(c) and are now uses by Conditional Use.

Section 8. The text of Section 409(d) is hereby repealed and 409(d) is hereby "Reserved". The uses previously set forth in this section as Special Exception Uses in the Agricultural-Industrial Zoning District, are hereby added to Section 409(c) and are now uses by Conditional Use.

Section 9. In Supplemental Matrix Charts 1-8, Procedural requirements, all Special Exceptions are hereby changed to Conditional Uses.

Section 10. The reference to "Special Exception" is hereby changed to "Conditional Use" in the following Sections: 709, 710, 711, 712, 714.1, 714.2, 714.3, 714.4, 714.5, 904, 905(C)(16), 920.

Section 11. Any other specific provisions set forth in Article 5 Conservation Overlay Districts and Article 8 Non-Residential Land Use and Development Requirements that specifically provide that any use is provided as a Special Exception under certain circumstances, shall hereinafter be considered a Conditional Use, and any considerations or conditions to be imposed by these Sections shall be by the Board of Supervisors in place of the Zoning Hearing Board.

Section 12. Repealer. 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 13. Validity. 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 14. Effective Date. This Ordinance shall become effective upon adoption.

ORDAINED AND ENACTED this 8th day of April, 2021, by a vote of 3 Yes
 No Abstained Absent.

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: Nancy A. Hartman
Nancy Hartman, Chairman

By: Gloria Grim
Gloria Grim, Vice Chairman

By: Mike Fisher
Mike Fisher, Supervisor

ATTEST:

Dee Shewalter
Secretary
Attest: