BERNVILLE BOROUGH, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-352

AN ORDINANCE OF THE BOROUGH OF BERNVILLE, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 249, THE BERNVILLE BOROUGH ZONING ORDINANCE, BY AMENDING ARTICLE III ENTITLED "ZONING DISTRICT", SECTION 3.01 ENTITLED "OFFICIAL ZONING MAP" TO AMEND THE ZONING MAP TO CHANGE THE ZONING CLASSIFICATION OF TWO PROPERTIES FROM R-1 LOW DENSITY RESIDENTIAL ZONING DISTRICT TO C-1 PLANNED BUSINESS ZONING DISTRICT, FIVE PROPERTIES FROM R-3 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT TO T-C TOWN CENTER ZONING DISTRICT, FOUR PROPERTIES FROM R-1 LOW DENSITY RESIDENTIAL ZONING DISTRICT TO T-C TOWN CENTER ZONING DISTRICT, ONE PROPERTY FROM R-1 LOW DENSITY RESIDENTIAL ZONING DISTRICT TO P-R PARKS AND RECREATION ZONING DISTRICT AND REPEALING AND DELETING THE R-3 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq*., enables a municipality through its zoning ordinance to regulate the uses of property; and

WHEREAS, the Borough of Bernville enacted the Borough of Bernville Zoning Ordinance of 1997 by enactment of Ordinance Number 249 on August 5, 1997 ("Zoning Ordinance"); and

WHEREAS, Article III entitled "Zoning Districts", Section 3.01 entitled "Official Zoning Map" of the Zoning Ordinance adopts the Official Zoning Map of the Borough of Bernville; and

WHEREAS, the Bernville Borough Zoning Ordinance has been amended by Council for the Borough from time to time; and

WHEREAS, by Ordinance Number 307 enacted on September 5, 2006, Council for the Borough of Bernville amended the Zoning Ordinance to establish and create regulations for an R-3 Medium Density Residential Zoning Ordinance; and

WHEREAS, Ordinance Number 307 amended Section 3.01 of the Zoning Ordinance to amend the Borough of Bernville Zoning Map to include and identify the properties comprising the R-3 Medium Density Residential Zoning Ordinance; and

WHEREAS, Council for the Borough of Bernville desire to amend the Zoning Ordinance by amending the Zoning Map to change the Zoning Classification of two properties from R-1 Low Density Residential Zoning District to C-1 Planned Business Zoning District, five properties from R-3 Medium Density Residential Zoning District to T-C Town Center Zoning District, four properties from R-1 Low Density Residential Zoning District to T-C Town Center Zoning District, one property from R-1 Low Density Residential Zoning District to P-R Parks

and Recreation Zoning District and repeal and delete the R-3 Medium Density Residential Zoning District; and

WHEREAS, Council for the Borough of Bernville desires to adopt the revised Zoning Map as attached hereto, made a part hereof and marked as Exhibit "A".

NOW THEREFORE, BE IT ENACTED and ORDAINED by the Bernville Borough Council of Bernville Borough, Berks County, Pennsylvania, pursuant to the authority afforded it by the Municipalities Planning Code as follows:

SECTION 1. The Zoning Ordinance of Bernville Borough, Ordinance Number 249, as amended, Article III entitled "Zoning Districts", Section 3.01 entitled "Official Zoning Map" is hereby amended to amend the Official Zoning Map of the Borough of Bernville to rezone the following parcels from R-1 Low Density Residential Zoning District to C-1 Planned Business Zoning District:

1. Parcel Identification Number 29445015546037, containing approximately .27 acres, located at 6602 Bernville Rd, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Deed Book Volume 1689 Page 0724 (current zoning is R-1; changing to C-1) and

2. Parcel Identification Number 29445015545177, containing approximately .17 acres, located at 6606 Bernville Rd, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Deed Book Volume 3206 Page 2044 (current zoning is R-1; changing to C-1).

SECTION 2. The Zoning Ordinance of Bernville Borough, Ordinance Number 249, as amended, Article III entitled "Zoning Districts", Section 3.01 entitled "Official Zoning Map" is hereby amended to amend the Official Zoning Map of the Borough of Bernville to rezone the following parcels from R-3 Medium Density Residential Zoning District to T-C Town Center Zoning District.

1. Parcel Identification Number 29445015645769, containing approximately 2.77 acres, located at 1729 Stevens Avenue, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Instrument Number 2021027883 (current zoning is R-3; changing to T-C).

2. Parcel Identification Number 29445015647732, containing approximately 0.33 acres, located at 230 E 2nd Street, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Deed Book Volume 2740 Page 0814 (current zoning is R-3; changing to T-C).

3. Parcel Identification Number 29445015647783, containing approximately 0.15 acres, located at 232 E 2nd Street, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Deed Book Volume 2947 Page 1525 (current zoning is R-3; changing to T-C).

4. Parcel Identification Number 29445015648744, containing approximately 0.45 acres, located at 234 E 2nd Street, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Instrument Number 2023005948 (current zoning is R-3; changing to T-C).

5. Parcel Identification Number 29445015648905, containing approximately 1.17 acres, located at 300 Penn Valley Road, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Deed Book Volume 5100 Page 1986 (current zoning is R-3; changing to T-C).

SECTION 3. The Zoning Ordinance of Bernville Borough, Ordinance Number 249, as amended, Article III entitled "Zoning Districts", Section 3.01 entitled "Official Zoning Map" is hereby amended to amend the Official Zoning Map of the Borough of Bernville to rezone the following parcels from R-1 Low Density Residential Zoning District to T-C Town Center Zoning District.

1. Parcel Identification Number 29445015545076, containing approximately .14 acres, located at 208 W 2nd St, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Instrument Number 2022001495 (current zoning is R-1; changing to T-C);

2. Parcel Identification Number 29445015545044, containing approximately .11 acres, located at 212 W 2nd St, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Instrument Number 2017022386 (current zoning is R-1; changing to T-C);

3. Parcel Identification Number 29445015545022, containing approximately .23 acres, located at 214 W 2nd St, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Instrument Number 2016044182 (current zoning is R-1; changing to T-C); and

4. Parcel Identification Number 29445015534988, containing approximately .09 acres, located at 220 W 2nd St, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Instrument Number 2019029731 (current zoning is R-1; changing to T-C).

SECTION 4. The Zoning Ordinance of Bernville Borough, Ordinance Number 249, as amended, Article III entitled "Zoning Districts", Section 3.01 entitled "Official Zoning Map" is hereby amended to amend the Official Zoning Map of the Borough of Bernville to rezone the following parcel from R-1 Low Density Residential Zoning District to P-R Parks and Recreation Zoning District.

1. Parcel Identification Number 29445015534920, containing approximately .24 acres, located at 224 W 2nd St, as described in the deed recorded at County of Berks Office of Recorder of Deeds at Deed Book Volume 1664 Page 0185 (current zoning is R-1; changing to P-R).

SECTION 5. The Zoning Map attached hereto as Exhibit "A" is adopted as the Official Zoning Map of the Borough of Bernville.

SECTION 6. Ordinance Number 307 is hereby amended to repeal and delete the creation of the R-3 Medium Density Residential Zoning District from the Official Zoning Map, removal of the R-3 Medium Density Residential Zoning District from Table of Contents and list of Zoning Districts set forth in Article III entitled "Zoning Districts", Section 3.00 entitled "Types of Zoning Districts" and the regulations therefor as set forth in Sections 4.15, 4.16, 4.17, 4.18 and 4.19, and removal of all references to the R-3 Zoning District from the Borough of Bernville Zoning Ordinance.

SECTION 7. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 8. 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 to be the legislative intent of the Bernville Borough Council that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 9. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.

SECTION 10 Zoning Ordinance. All other articles, sections, parts and provisions of the Borough of Bernville Zoning Ordinance shall remain in full force and effect as previously enacted and amended. This Ordinance shall become a part of the Zoning Ordinance when it becomes effective.

DULY ENACTED AND ORDAINED as an Ordinance of Bernville Borough, Berks County, Pennsylvania, this 5 day of September, 2023.

BOROUGH COUNCIL OF THE
BOROUGH OF BERNVILLE,
BERKS COUNTY, PENNSYLVANIA

By: _____
Borough Council President

ATTEST:

_____
Borough of Bernville Secretary

APPROVED, this 5 day of September, 2023, by the Mayor of the Borough of Bernville.

_____
Mayor

CERTIFICATE OF ENACTMENT

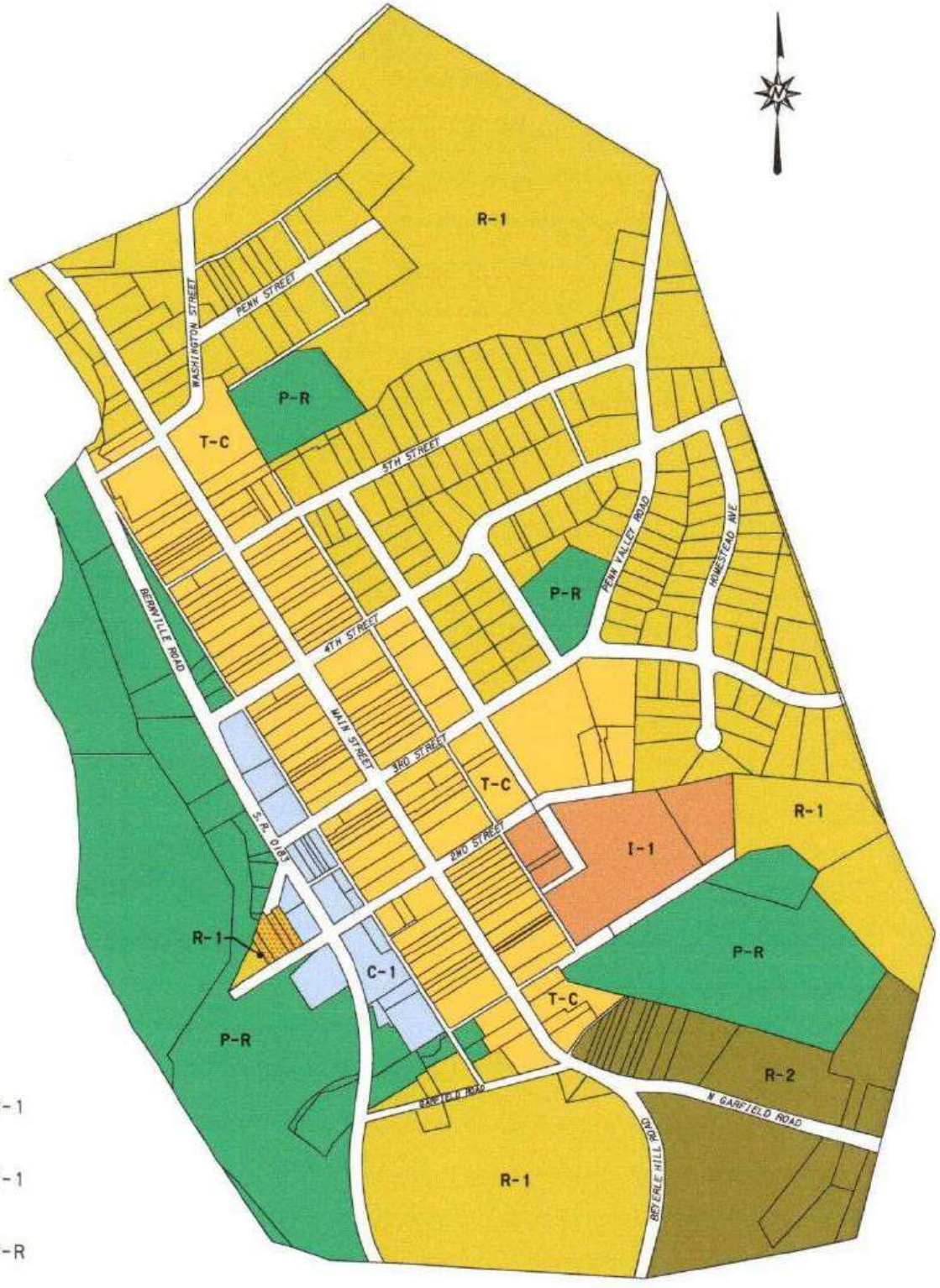
I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2023 - _____ adopted by the Borough Council of Bernville Borough, Berks County, Pennsylvania at a regular meeting held on September 5, 2023, pursuant to notice as required by law.

Dated: 9.5.2023

Borough of Bernville Secretary

EXHIBIT A

ZONING MAP



C-1

I-1

P-R

R-1

R-2

R-C OVERLAY DISTRICT

T-C

BERNVILLE BOROUGH ZONING MAP

Tentative

GRAPHIC SCALE

1" = 600'

0 600' 1200' 1800'

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