

ORDINANCE NO. _____ - 2006

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 225 OF THE CODE OF THE BOROUGH OF KUTZTOWN BY AMENDING SECTION 225-6, THE OFFICIAL ZONING MAP, BY PROVIDING FOR LIGHT, MEDIUM AND HEAVY INDUSTRIAL ZONING DISTRICTS, AND BY AUTHORIZING A MEDIUM INDUSTRIAL OVERLAY DISTRICT NORTH OF THE KUTZTOWN BY-PASS (U. S. ROUTE 222) AND WEST OF COLLEGE BOULEVARD, AND SETTING FORTH CONDITIONS FOR SAID OVERLAY DISTRICT.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Kutztown, Berks County, Pennsylvania that Chapter 225 of the Borough of Kutztown be amended Section 225-6 entitled "Official Zoning Map" to provide for Light Industrial, Medium Industrial and Heavy Industrial Zoning Districts, and by further amending said Chapter 225 by adding Section 225-10.2 entitled "Medium Industrial Overlay District" encompassing all or parts of several zoning districts laying to the north of the Kutztown By-pass (U. S. Route 222) and west of College Boulevard and providing conditions for such an overlay district.

SECTION 1. The Official Zoning Map of the Borough of Kutztown be, and it is hereby, amended so as to designate certain areas of the Borough of Kutztown now zoned as Industrial Zoning Districts, as Light Industrial Zoning Districts, Medium Zoning Districts and Heavy Zoning Districts, being more particularly bounded and described as set forth in Exhibit "A" and as shown on Exhibit "C" annexed hereto and incorporated herein by reference.

SECTION 2. The Official Zoning Map of the Borough of Kutztown be, and it is hereby, amended so as to designate certain areas and tracts of land generally bounded by the Kutztown By-pass (U. S. Route 222), College Boulevard and the Borough Boundaries in the northwest section of the Borough, being more particularly bounded and described as set forth in Exhibit

"B" and as shown on Exhibit "C" annexed hereto and incorporated herein by reference to be designated as a Medium Industrial Overlay District.

SECTION 3. Article III, entitled "Zoning Map and Zoning Districts", of Chapter 225 of the Kutztown Code is hereby amended by adding a new Section 225-10.2, entitled "Medium Industrial Overlay Zoning District", as follows:

§ 225-10.2. Medium Industrial Overlay Zoning District.

A. District Requirements

- (1) Requirements for utilization of this overlay district shall be those set forth for Medium Industrial Districts in Section 225-21, entitled "Industrial Zoning Districts".
- (2) The Medium Industrial Overlay Zoning District herein set forth shall only be permitted and become applicable upon the construction and opening for public use and travel of an interchange between the Kutztown By-pass (U. S. Route 222) and College Boulevard at the intersection where the Kutztown By-pass (U. S. Route 222) passes over the aforementioned College Boulevard.

SECTION 4. The Zoning Officer of the Borough of Kutztown is hereby authorized to take such actions as may be necessary to cause the Official Zoning Map of the Borough of Kutztown to be amended in accordance with the terms and provisions of this Ordinance and shall take such other actions as may be necessary to effectuate the terms of this Ordinance.

SECTION 5. All ordinance or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance, are hereby repealed.

SECTION 6. This Ordinance shall become effective on the earliest date allowed by law.

ENACTED AND ORDAINED as an Ordinance of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania by the Borough Council this ____ day of _____, 2006 in a lawful session duly assembled.

BOROUGH OF KUTZTOWN

By: _____
Carl W. Mantz, President of Borough Council

Attest: _____
Bonnie Bray, Secretary of the Borough

APPROVED as an Ordinance this ____ day of _____, 2006.

Sandra K. Green, Mayor

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EXHIBIT "A"

AMENDMENT

OFFICIAL ZONING MAP

The following described Industrial Zoning Districts are hereby designated as a Heavy Industrial Zoning District, as follows:

TRACT 1) BEGINNING at a point being the intersection of the center lines of Peach Street and the Sacony Creek, then along the center line of the Sacony Creek in a northerly direction to the Boundary between the Borough of Kutztown and the Township of Maxatawny, then along said boundary in a northerly direction and parallel to State Route 737 known as Krumsville Road to the southerly right-of-way of the Kutztown By-pass (U. S. Route 222), then along said right-of-way in a easterly direction to the center line of the USRA Rail Line 901, known as the Kutztown Industrial Track, then along said track in a southerly direction to the aforementioned Peach Street, then along Peach Street in a westerly direction to the place of Beginning.

Containing an area of approximately twenty-four and thirty-six hundredth (24.36) acres.

TRACT 2) BEGINNING at a point being the intersection of the center lines of James Alley and the northerly right-of-way line of USRA Rail Line 901, known as the Kutztown Industrial Track, then along said rail line in a southeasterly direction to the boundary line between the Borough of Kutztown and the Township of Maxatawny, then along said boundary in a southerly direction to the intersection of Willow Street and Normal Avenue, then along Willow Street in a northwesterly direction approximately six hundred (600) feet to a point, then leaving said Willow Street in a southwesterly direction to the center line of the Sacony Creek, then along the center line of said center line creek in a northerly direction to the center line of Sacony Alley, then along the of Sacony Alley and James Street in a easterly direction to the place of Beginning.

Containing an area of approximately thirty-nine and six tenth (39.6) acres.

The following described Industrial Zoning District is hereby designated as a Medium Industrial Zoning District, as follows:

BEGINNING at a point being the intersection of the center lines of Peach Street and the USRA Rail Line 901, known as the Kutztown Industrial Track, then along the center line of said rail line in a northerly direction to the right-of-way of the Kutztown By-pass (U. S. Route 222), then along the Kutztown By-pass in a southeasterly direction approximately two hundred fifty (250) feet to a point being on the northerly boundary of Carriage Point Estates, then in a

southeasterly direction passing through part of Carriage Point Estates and generally along the westerly boundary of Carriage Point Estates to a point being the center line of Pear Alley and said point being the mid-point between North Maple Street and Plum Alley, then along Pear Alley in a southwesterly direction to the center line of North Maple Street, then along the center line of North Maple Street in a southeasterly direction to the center line of Highland Avenue, then along the center line of Highland Avenue and Peach Street in a southwesterly direction to the before described point of Beginning.

Containing an area of approximately seven and thirty-eight hundredth (7.38) acres.

The following described Industrial Zoning Districts are hereby designated as Light Industrial Zoning Districts, as follows:

TRACT 1) BEGINNING at a point being the intersection of the center lines of USRA Rail Line 901, known as the Kutztown Industrial Track, and Sacony Alley, then along said rail line in a northwesterly direction to the center line of Peach Street, then along the center line of Peach Street in a southwesterly direction to the center line of the Sacony Creek, then along said creek in a southeasterly direction to a point, being the center line of Sacony Alley, then along Sacony Alley in a northwesterly direction to the point of Beginning.

Containing an area of approximately three and three tenth (3.3) acres.

TRACT 2) BEGINNING at a point being the northerly right-of-way line of USRA Rail Line 901, known as the Kutztown Industrial Track and James Street, then along said rail line in a southeasterly direction to a point of the boundary line between the Borough of Kutztown and the Township of Maxatawny, then along the aforementioned rail line and boundary approximately four hundred twenty-five (425) feet in a southeasterly direction to a point, then leaving the aforementioned rail line and continuing along the aforementioned boundary in a northeasterly direction to the easterly right-of-way line of South Laurel Street, then along said right-of-way in a northwesterly direction to the center line of Broad Street, then along Broad Street in a southwesterly direction to a point being the center line of Rose Alley (vacated), then in a northwesterly direction leaving Broad Street at an angle of ninety (90) degrees, then along said center line and Rose Alley to the center line of Grimley Street, then along Grimley Street in a southwesterly direction to the center line of South Maple Street, then along South Maple Street in a northwesterly direction to the center line of James Street, then along James Street in a southwesterly direction to the place of Beginning.

Containing an area of approximately fourteen (14) acres.

TRACT 3) BEGINNING at a point being the center line of the Kutztown By-pass (U. S. Route 222) and the boundary line between the Borough of Kutztown and the Township of Maxatawny, then in a northerly direction along said boundary and the westerly right-of-way line of North Kemp Road approximately one thousand one hundred (1100) feet, then along the aforementioned boundary and North Kemp Road in a westerly

direction seven hundred fifty (750) feet to a point, then in a southerly directly approximately one thousand fifty (1050) feet crossing Seem Drive to the center line of the Kutztown By-pass, then along the center line of the Kutztown By-pass to the place of Beginning.

Containing an area of approximately eighteen (18) acres.

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EXHIBIT "B"

MEDIUM INDUSTRIAL OVERLAY ZONING DISTRICT AMENDMENT
OFFICIAL ZONING MAP

BEGINNING at the point of intersection of the center lines of the Kutztown By-pass (U. S. Route 222) where same passes over College Boulevard, then along the center line of said College Boulevard in a northerly and then westerly direction to the Boundary Line between the Borough of Kutztown and the Township of Maxatawny, then along said boundary the following courses and distances to the Kutztown By-pass; S 18° 11'00" E, 618.77'; S 68° 37'00" W, 1329.63'; S 17° 23'00" E, 237.27'; S 22° 38'00" E, 39.60'; S 05° 38'00" E, 132.00'; S 15° 22'00" W, 148.50'; S 42° 23'00" E and S 87° 38'00" E approximately 350' to the northerly right-of-way line of the Kutztown By-pass, then along same in a easterly direction to the place of Beginning.

Containing an area of approximately seventy-five (75) acres.

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EXHIBIT "C"

MEDIUM INDUSTRIAL OVERLAY ZONING DISTRICT AMENDMENT

OFFICIAL ZONING MAP