

ORDINANCE NO. 297

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA: TO AMEND THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007, AS AMENDED, TO PROVIDE FOR THE USE OF CASINOS AND GAMBLING FACILITIES, AND CASINO/HOTELS WITHIN THE C-3 HIGHWAY COMMERCIAL ZONING DISTRICT; TO PROVIDE PERFORMANCE STANDARDS RELATED TO THE FOREGOING IN NEW SECTION 653 OF THE ZONING ORDINANCE, ENTITLED "CASINOS AND GAMBLING FACILITIES" AND/OR "CASINO/HOTELS"; AND, FUTURE, REVISING SECTION 300 OF THE ZONING ORDINANCE, ENTITLED "DEFINITIONS" TO FURTHER DEFINE TERMINOLOGY RELATED TO THE FOREGOING.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF CAERNARVON TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

SECTION 1. ARTICLE III OF THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007 IS AMENDED TO PROVIDE FURTHER DEFINITIONS.

CASINO AND GAMBLING FACILITY: A gaming business establishment licensed as such by the Commonwealth of Pennsylvania that may include, but shall not be limited to off-track betting parlors, slot machines, table games and other forms of gambling permitted by the Commonwealth. A casino and gambling facility may include accessory uses, including but not limited to those set forth in Section 653.D of this Ordinance, but excluding adult entertainment and adult-oriented uses (i.e., sexually oriented business) defined and/or regulated by this Ordinance. A use shall not be deemed to be a casino and gambling facility on the basis of the sale of Pennsylvania Lottery tickets, Bingo conducted pursuant to the Bingo Law, and gambling activities conducted pursuant to the Local Option Small Games of Chance Act (including tavern games).

CASINO/HOTEL: A Casino and Gambling Facility as defined herein when accompanied with a hotel use on the same parcel or contiguous parcel.

SECTION 2. ARTICLE V OF THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007 IS AMENDED TO REVISE SECTION 572 ENTITLED "USES PERMITTED BY RIGHT" IN THE C-3 HIGHWAY COMMERCIAL DISTRICT BY ADDING THE FOLLOWING USES UNDER NEW SUBSECTIONS 14 AND 15.

14. "Casinos and Gambling Facilities" in accordance with Section 653 (performance standards for Casinos and Gambling Facilities and Casino/Hotels).
15. "Casino/Hotels" in accordance with Section 653 (performance standards for Casinos and Gambling Facilities and Casino/Hotels).

SECTION 3. ARTICLE VI OF THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007 IS AMENDED TO ESTABLISH SECTION 653 PROVIDING PERFORMANCE STANDARDS FOR “CASINOS AND GAMBLING FACILITIES” AND/OR “CASINO/HOTELS.”

Section 653. “Casinos and Gambling Facilities” and/or “Casino/Hotels.”

- A. “Casinos and Gambling Facilities” and “Casino/Hotels” shall not be permitted to be located within one mile (i.e., 5,280’) of the boundary of a parcel containing any other “Casino and Gambling Facility”, except that a “Casino and Gambling Facility” may be permitted on a parcel that is immediately contiguous to a parcel containing a hotel use.
- B. The above-required distances shall be measured in a straight line without regard to intervening structures, from the closest point on the Lot Line of each land use.
- C. No more than one (1) “Casino and Gambling Facility” or “Casino/Hotel” may be located within one (1) building or shopping center.
- D. Permitted accessory uses include but are not limited to: (i) structured parking; (ii) personal service establishments, including but not limited to, restaurants, bars and taverns; (iii) indoor or outdoor places of amusement, recreation, or assembly, including but not limited to auditoriums, theatres, night clubs and live entertainment facilities; (iv) retail business establishments; and (v) any other similar uses.
- E. Notwithstanding the standards set forth in Section 613 or elsewhere in this Ordinance to the contrary, off-street parking shall be provided at the rate of one (1) space per each 400 sq. ft. of floor area of devoted to patron use, but excluding the floor area devoted to the accessory uses set forth in Section 653.D of this Ordinance.
- F. As part of the building permit or land development plan application, whichever is submitted first, the Applicant shall submit the following:
 - 1. Parking Plan – to demonstrate parking demand for the proposed use in compliance with the applicable standards for the use set forth in Section 653.E of this Ordinance.
 - 2. Access Plan – to demonstrate and ensure minimized impacts of conflicts between the vehicular routes and alignments of the facility, pedestrian traffic, and surrounding uses. The plan shall demonstrate that all bus area parking and circulation does not conflict with automobile circulation and parking spaces and is consistent with pedestrian circulation.
 - 3. Traffic Impact Study - to identify and evaluate potential patronage’s vehicular patterns and demands. The study shall comply with the requirements of Section 516, Subdivision and Land Development Ordinance.

4. Security and Emergency Response Plan – to demonstrate the proposed use will not unduly burden local law enforcement and emergency response services in the Township. In the event that it is determined that the proposed use will unduly burden local law enforcement and/or emergency response services in the Township, the plan shall address the manner in which such undue burden will be alleviated.
 5. Property Management Plan – to demonstrate and ensure the cleanup of litter and maintenance of the property and controlling loitering and noise outside the building.
- G. A minimum of two bus parking spaces shall be provided for each casino facility. Bus parking areas shall be provided with a landscape screen pursuant to Section 609, along all sides of a bus parking area that adjoins a street. Buses are not permitted to run their engines except while in transit or while loading or unloading their patrons.
 - H. All “Casinos and Gambling Facilities” and/or “Casino/Hotels” shall comply with the Rules and Regulations set forth in Title 58 (Recreation), Part VII – Gaming Control Board of the Pennsylvania Code and be licensed by the Pennsylvania Gaming Control Board. The Applicant shall furnish a copy of the application that the Applicant has submitted to the Pennsylvania Gaming Control Board, and a copy of the license issued by the Gaming Control Board to the Applicant (when and if issued).
 - I. Notwithstanding the standards set forth in Section 610.C(5)(c) or elsewhere in this Ordinance to the contrary, “Casinos and Gambling Facilities” and “Casino/Hotels” in the C-3 District shall not be subject to the requirements for reducing lighting during certain hours.

SECTION 4. SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Ordinance. The Board of Supervisors hereby declares that it would have adopted the Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereto irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 5. REPEALER

All Ordinances inconsistent with the above provisions are repealed to the extent of their consistency.

SECTION 6. RENUMBERING

The location and numerical designation of these above-referenced Sections shall be delegated to the discretion of the General Code Publishers who may renumber or reorder these revised sections as is necessary.

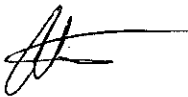
SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective five (5) days from the date of enactment, and shall be codified into the Caernarvon Township Code of Ordinances.

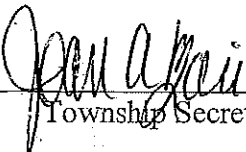
ORDAINED and **ENACTED** by the Supervisors of the Caernarvon Township in lawful session duly assembled this 23rd day of October, 2018.

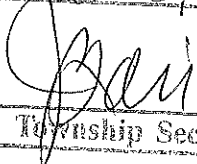
**BOARD OF SUPERVISORS
CAERNARVON
TOWNSHIP**

BERKS COUNTY, PENNSYLVANIA

By: 
Allen Styer, III, Chairman

ATTEST:

By: 
Township Secretary

This a true and correct copy of Ordinance # 297 that was adopted by the Caernarvon Township Board of Supervisors on October 23, 2018

Township Secretary