

# **BERWICK TOWNSHI**

## ZONING ORDINANCE

APRIL, 1999

BERWICK TOWNSHIP  
ADAMS COUNTY,  
PENNSYLVANIA

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**ARTICLE 1**  
**SHORT TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES**

**§ 100. Short Title**

This Ordinance should be known and may be cited as "The Berwick Township Zoning Ordinance."

**§ 101. Authority**

- A. Township Authority. Section 601 of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended) provides that the Berwick Township Board of Supervisors may enact and amend a zoning ordinance to implement the Berwick Township Comprehensive Plan and to accomplish any of the purposes of Act 247.
- B. Applicability. This Ordinance requires that, within Berwick Township, in the County of Adams and the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure of part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water, or structure is located.

**§ 102. Purposes**

- A. General Purposes. The Berwick Township Zoning Ordinance is designed to meet the following general purposes. To promote, protect and facilitate any or all of the following:
  - (1) The public health, safety, moral, and the general welfare.
  - (2) Coordinated and practical community development and proper density of populations.
  - (3) Emergency management preparedness and operations.
  - (4) Provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements.
  - (5) Preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

- (6) Prevention or minimization of one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- (7) Provision for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home park.
- (8) Accommodation of reasonable overall community growth, including population and employment growth.

B. This Ordinance provides the legal basis and framework for the future development and redevelopment of the Township. Its provisions are guided by the statement of community development goals and objectives and the policy and action plans of the Berwick Township Comprehensive Plan.

## **ARTICLE 2 DEFINITIONS**

### **§ 200. General Interpretation**

Words and terms used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural, and the plural includes the singular.
- C. The word "person" includes individual, corporation, partnership, trust, company, organization, firm, and association.
- D. The word "lot" includes the words "plot" or "parcel".
- E. The term "shall" is mandatory; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied."

### **§ 201. Definitions**

The following words, terms or phrases shall have the following meanings unless expressly stated otherwise or unless the context clearly indicates otherwise. Any word or term not defined shall be used with a meaning of standard usage within the context of the Section, unless specifically defined in the Berwick Township Subdivision and Land Development Ordinance or other relevant Township ordinances.

**ABANDONMENT** — The relinquishment of lessee property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property. For the purpose of this Ordinance, abandonment shall commence when reasonable efforts to re-establish (such as the lease, rental, sale, etc.) the property or used have ceased.

**ACCESS DRIVE** — A public or private drive, other than a driveway, which provides for vehicular access between a public street and a tract of land containing any use other than one (1) single-family or two-family dwelling.

**ACCESSORY HOME OFFICE USE** — A home occupation consisting of the office of a practitioner or a recognized profession, representing a less intense use than a cottage industry.

**ACCESSORY BUILDING / STRUCTURE** — A subordinate building or structure, serving a purpose customarily incidental to the use of the principal structure or principal use and located on the same lot as the principal structure or principal use.



**ACCESSORY USE** — A use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**ACCESS POINT** — One combined entrance/exit point, or one clearly defined entrance point separated from another clearly define access point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles, such accesses are permitted by right as needed.

**ACT** — Shall mean the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**ADULT BUSINESS** — An establishment open to the general public or a private club open to members, except minors, which is used and occupied for one or more of the following activities and is defined by the following definitions in accordance with Ordinance 5 of the Berwick Township Ordinances.

**ADULT BOOKSTORE** — Any establishment which derives a substantial and significant portion of its gross receipts from the sale, distribution or exhibition of any literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure, audio- or videotape or motion picture which is pornography under the meaning ascribed to the word by this section and which expressly prohibits entry to minors.

**ADULT MASSAGE PARLOR** — Any establishment where any part of the patrons' bodies are massaged, caressed, stroked, pounded, rubbed, or treated in a similar fashion, whether or not such activity involves the use of oils, creams, liniments, ointments, or similar substances. The practice of therapeutic massage by licensed hospitals, nursing homes, medical clinics, offices of licensed health profession or certified massage practitioners, athletic clubs, health clubs, schools, gyms, or similar establishment where massage is offered as an incidental and accessory medical or therapeutic massage practitioner service is excluded from this definition.

*(as amended by Ordinance 64 of 2006, § II)*

**ADULT THEATER** — Any establishment operated for the purpose of showing motion-picture films to patrons, whether such patrons observe the motion-picture film while seated in the interior of the building or while seated in automobiles, which derives a substantial and significant portion of its gross receipts from the exhibition of films which are pornography under the meaning ascribed to that term in this section and which expressly prohibits entry to minors unless accompanied by an adult.

**NUDITY** — The showing of the human male or female genitals or pubic area or buttocks with less than a fully opaque covering or the showing of the female breast with less than fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.

**OTHER ADULT USES** — Any establishment in which conduct, activity or the sale, distribution or exhibition of printed or drawn material which is pornography within the

meaning ascribed to that word in this section is the source of substantial and significant portion of gross business receipts. Such other adult uses shall include, but not be limited to, nude wrestling, male or female erotic dancers or strippers and escort centers.

**PORNOGRAPHY** — The depiction or dissemination of nudity, sexual conduct, sadomasochistic abuse or explicit and detailed verbal descriptions or narrative accounts or nudity, sexual excitement, sexual conduct or sadomasochistic abuse which, to the average person applying contemporary community standards, has as its dominant theme, taken as a whole, an appeal to the prurient interest.

**SADOMASOCHISTIC ABUSE** — Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SEXUAL CONDUCT** — Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is female, breast.

**SEXUAL EXCITEMENT** — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**AGRIBUSINESS OPERATION** — Agricultural uses that involve, but are not necessarily limited to, one or more of the following conditions:

**CONCENTRATED ANIMAL FEEDING OPERATION** — An animal feeding operation which is required to obtain NPDES permitting in accordance with the Clean Water Act.

**CONCENTRATED ANIMAL OPERATION** — An animal feeding operation which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

**PRODUCTION OPERATION** — An agricultural operation which occurs within an enclosed structure or group of structures designed solely for animal and/or vegetable production and exceeds 5,000 square feet. A general purpose barn primarily used for the storage of equipment, silage, and the indoor housing of pasture animals is not considered a production operation regardless of size.

**AGRICULTURAL ROADSIDE STANDS** — A structure for the display and sale of farm products. An agriculture roadside stand is either of a temporary or permanent nature.

**TEMPORARY ROADSIDE STANDS** — A structure utilized to sell produce from the farm only during the harvesting season and situated a safe distance from the roadway for safe customer ingress, egress and parking. Following the harvesting season all structures and signage is removed from the premise.

**PERMANENT ROADSIDE STAND** — A structure utilized to sell farm produce throughout the year from a permanently erected structure and meeting the area, dimensional, parking and signage requirements set forth in this Ordinance.

**AMATEUR RADIO ANTENNA** — An accessory structure or device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies, including ham radios. Amateur radio antenna are not considered communication towers and antennas as regulated in this Ordinance.

**AMENDMENT** — A change in use in any district which includes revisions to the Zoning Ordinance text and/or the official Zoning Map.

**ANIMAL HUSBANDRY** — The raising and keeping of livestock and poultry, not including agribusinesses as defined herein, with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, excluding accessory kennels or stables.

**APPLICANT** — A landowner or developer, as hereinafter defined, who has filed an application for development including heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** — Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**APPOINTING AUTHORITY** — The Berwick Township Board of Supervisors.

**ARCADE** — An area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times. The term "arcade" shall not include off-street loading areas, driveways, or off-street parking areas.

*(as amended by Ordinance 64 of 2006, § 1)*

**AREA, BUILDING** — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

**BASEMENT** — An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if more than 50 percent of the perimeter walls at the basement ceiling height are 5 feet or higher above the adjacent finished grade.

**BASE SITE AREA** — The land remaining after subtracting land which is held for future road rights-of-way or is in existing utility rights-of-way or other easements.

**BED AND BREAKFAST INN** — Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

**BOARD** — The Zoning Hearing Board of Berwick Township.

**BOARD OF SUPERVISORS** — The Board of Supervisors of Berwick Township.

**BUFFER** — Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**BUILDABLE SITE AREA** — The area of the site, which may be altered, disturbed, or regarded for development purposes. The buildable site area may contain buildings, roads, parking areas, sewage systems, and stormwater management facilities. The buildable site area shall not contain required open space, recreation or natural resource protection areas.

**BUILDING** — Any combination of materials forming any structure, which is erected, on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

**BUILDING COVERAGE** — The percentage obtained by dividing the maximum horizontal area in square feet of all principal and accessory buildings on a lot by the total "lot area", as defined by this Ordinance, of the lot upon which the buildings are located.

**BUILDING PERMIT** — Written permission issued by the proper Township authority for the construction, major repair, alteration, addition, or demolition of a structure.

**BUILDING, PRINCIPAL** — A building used for the conduct of the principal use of a lot, and which is not an accessory building.

**BUILDING SETBACK LINE** — A line within a property designating the minimum distance that must be provided between any building or structure and an adjacent right-of-way line, property line, or street line, whichever shall apply.

**BUILDING SPACING** — The horizontal distance between two buildings.

**BUSINESS PARK** — A tract of land that is planned and developed under a unified design scheme, and operated as an integrated facility for a number of individual permitted business uses regardless of ownership, either common or single and separate, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility. Heavy industry uses shall not be part of a business park.

**CAMPGROUNDS AND FACILITIES** — A use that is primarily recreational in nature and involves the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or travelers, or the use of tents or cabins for seasonal occupancy by organized groups of persons.

**CANOPY** — A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or other similar area, which shelter may be wholly supported by a building or may be wholly or

partially supported by columns, pole, or braces extending from the ground. Any roof overhang extending more than two feet from the face of the building shall be considered a canopy.

*(as amended by Ordinance 64 of 2006, § I)*

**CEMETERY** — Land or buildings used for the burial of the dead.

**CLUB AND/OR LODGE** — A building and/or structure utilized as a private club offering food and/or drink privileges.

**CLUSTER GROUPING** — A grouping of cluster residential lots forming a cluster in accordance with the requirements of this Ordinance.

**CLUSTER RESIDENTIAL LOT** — Designated parcels of land, smaller than otherwise permitted in this district, established by the subdivision of a tract of land greater than ten (10) acres, which may be developed as a grouping of single-family residences located to minimize adverse impacts on surrounding environmental features and to provide access to and views of surrounding open land (See sketch of cluster versus standard subdivision at the end of the definitions.)

**COMMERCIAL INDOOR RECREATION** — Any establishment which provides recreation, amusement or entertainment for the general public within a completely enclosed structure for a fee or admission charge. Commercial indoor recreation facilities may include theaters, bowling alleys, pool halls, and staking rinks. These establishments do not include adult-oriented businesses.

**COMMERCIAL KENNALS** — A commercial establishment in which dogs or domesticated animals (excluding livestock, horses or poultry) are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

**COMMERCIAL NURSERIES AND GREEN HOUSES** — A commercial use primarily involving horticulture, which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the principal use.

**COMMERCIAL OUTDOOR RECREATION** — A use of open land for leisure time activities, such as a swimming pool, tennis court, drive-in theater, miniature golf course, and miniature racing for a fee or admission charge.

**COMMISSION** — The Berwick Township Planning Commission.

**COMMON OPEN SPACE** — A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents or a development as stipulated in this Ordinance, not including streets and off-street parking areas.

**COMMUNICATIONS FACILITIES** — Communications antennas, buildings, structures and towers associated with the communications industry and in accordance with the following definitions.

**COMMUNICATIONS ANTENNA** — Any device used for the transmission or reception of radio, television, wireless, telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**COMMUNICATIONS EQUIPMENT BUILDING** — An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

**HEIGHT OF A COMMUNICATIONS TOWER** — The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**PUBLIC UTILITY TRANSMISSION TOWER** — A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

**CONDITIONAL USE** — See definition of "USE".

**CONDOMINIUM** — An ownership arrangement and not a land use, therefore, it is allowed in any district and under the same restrictions of the residential land use that comprises it. A condominium is a dwelling unit, which has all of the following characteristics:

The unit (the interior and associated exterior areas designated for private use in the development plan) is occupied by the occupant.

The unit may be any permitted dwelling type.

All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Uniform Condominium Act of Pennsylvania regulations' and in accordance with the provisions for open space, roads, or other development features in this Ordinance and the Berwick Township Subdivision and Land Development Ordinance.

**CONVENIENCE GROCERY STORES** — A use that primarily sells for off-site consumption, routine household goods, groceries, and prepared ready-to-eat foods to the general public and that includes a building with a floor area of less than 5,000 square feet. This use may also

include the accessory sale of gasoline, provided it is allowed within the district regulation and requirements are met.

**COTTAGE INDUSTRY** — The routine, accessory and customary use of a portion of a dwelling or its accessory buildings for the conduct of a business that is clearly incidental and secondary to the principal residential use and is conducted primarily by one or more residents of the dwelling in accordance with the use regulations established in this Ordinance.

**COUNTY** — The County of Adams, Commonwealth of Pennsylvania.

**COUNTY PLANNING COMMISSION** — The Adams County Planning Commission.

**CROP FARMING** — The raising, keeping and/or sale of field, truck or tree crops.

**DAYCARE CENTER** — A facility which provides care for a combined total of seven or more children or adults per day, where the facility is not being used as a residence.

**DENSITY** — Density is a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre.

**BASE DENSITY** — The maximum density permitted on a parcel of land in a particular zoning district.

**D.E.P.** — The Pennsylvania Department of Environmental Protection, or its successor, and its relevant subparts.

**DEVELOPER** — Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**DEVELOPMENT PLAN** — The provision for development, including a plat of subdivision, all covenants relating to its use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. This phrase "provisions of the development plan" when use din this Ordinance shall mean written and graphic materials referred to in this definition.

**DISTRICT (OR ZONING DISTRICT)** — A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

**DIVIDER STRIP** - A landscaped island separating and running the length of two rows of contiguous parking spaces within a parking lot, that provides opportunities for landscaping, traffic circulation control, and pedestrian movement.

*(as amended by Ordinance 64 of 2006, § 1)*

**DRIVE-THROUGH SERVICE** — A use involving a customer being able to order and receive food or other items or make financial transactions while the customer remains within their vehicle.

**DRIVEWAY** — A private vehicular access between a public street and a garage, carport, or other parking space for one (1) single-family or two-family dwelling.

**DWELLING UNIT** — Any building or part thereof, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided for the exclusive use of a single family maintaining a household.

**DWELLING UNIT TYPES** — (See the graphic representation of the different dwelling unit types following the definitions.)

**MULTIPLEX (Garden Apartments)** — One or more two-story, multifamily structures not to exceed sixteen units. The dwelling units share a common area, which is the sum of the required lot areas of all dwelling units within the building.

**SINGLE FAMILY ATTACHED (Townhouses)** — A dwelling unit included in a grouping of at least three (3) such dwelling units, arranged in a manner that the dwelling unit has its own direct, ground floor access to living space, designed in a manner so that the dwelling unit is located neither above nor under another dwelling unit, and oriented in a manner that the dwelling unit shares at least one (1) vertical common fire-resistant wall with at least one (1) other dwelling unit.

*(as amended by Ordinance 72 of 2008)*

**SINGLE FAIVIILY DETACHED DWELLINGS** — A building on one lot containing one dwelling unit that is not attached to any other dwelling.

**SINGLE FAMILY SEMI-DETACHED DWELLINGS (Duplex)** — A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

**TWO FAMILY ATTACHED** — A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for common stairwell exterior to both units.

**EDUCATIONAL INSTITUTIONS** — Any building or part thereof which is designed, constructed, or used for public or private education or instruction in any branch of knowledge.

**ESTATE LOTS** — Designated parcels of land at least five (5) acres in size, established by subdivision of a tract of land greater than ten (10) acres, which may be developed for a single-family residential use, whereby at least seventy-five (75) percent of the estate lot remains in open space free of structural development, and whereby no more than 1.25 acres of the parcel is developed as a single-family residential living area with customary structural development and a surrounding manicured yard area.



**FACADE** — That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation."

*(as amended by Ordinance 64 of 2006, § 1)*

**FARM OR FARM PARCEL** — A tract or parcel of land devoted primarily to agricultural uses, together with a dwelling and/or other accessory uses.

**FARM DWELLING** — A single family detached dwelling associated with the farm parcel and activities.

**FEED AND GRAIN MILL** — An establishment involved in the processing and storage of feed and grain.

**FENCE** — A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, wire, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall".

**FISH HATCHERIES** — An area devoted to the cultivation of fish and other seafood for sale or distribution.

**FLOOD** — A temporary inundation of normally dry land areas.

**FLOOD ELEVATION, REGULATORY** — The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half feet (1-1/2').

**FLOODPLAINS** — The lands adjoining a river or a stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood.

**FLOOD-PROOFING** — Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODWAY** — The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

**FLOOR AREA** — The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

**FORESTRY** — The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

*(as amended by Ordinance 64 of 2006, § 1)*

**FRONTAGE** — The portion of a lot abutting the street right-of-way line.

**FUNERAL HOME** — A building devoted to the care, embalming and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

**FUTURE RIGHT-OF-WAY** — The right-of-way required for the expansion of existing streets to accommodate anticipated future traffic loads and/or a right-of-way established through the Berwick Township Comprehensive Plan and the Berwick Township Subdivision and Land Development Ordinance to provide future access to or through undeveloped lands.

**GARAGE, ACCESSORY** — An enclosed building for the storage of one (1) or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling in a residential district, except as may be allowed as an accessory home office.

**GLARE** — A sensation of brightness within the visual field, which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

**GOLF COURSE** — A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelters, maintenance and storage facilities and a driving range.

**GOVERNING BODY** — Shall mean the Berwick Township Board of Supervisors, Adams County, Pennsylvania.

**GRANNY FLATS** — A secondary, one-bedroom, single-family detached or attached dwelling unit located on the same lot as the primary dwelling and designed to house no more than two persons.

**HABITABLE FLOOR AREA** — The sum of the horizontal areas of all rooms used for habitation, such as living room, kitchen and bedroom, but not including hallways, stairways, cellars, attics, service or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

**HALFWAY HOUSE** — A dwelling for the supervision of transitionally institutionalized individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to, a penal institution or juvenile detention center.

**HEIGHT** — The vertical distance of a structure or building measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

**HELISTOP** — An area on a roof or ground used by helicopters or steep gradient aircraft for the purpose of picking up or discharging passengers or cargo.

**HOME OCCUPATION** — Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

*(as amended by Ordinance 64 of 2006, § 1)*

**HOMEOWNERS' ASSOCIATION** — An organization of property owners within a development established as a non-profit corporation for the ownership, administration, and maintenance of the common open space within a development. Such organizations are generally consistent with the requirements for unit owners associations found in the Pennsylvania Uniform Condominium Act 68 PA CSS3101 et seq.

**HOTEL OR MOTEL** — A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Hotels may include additional uses accessory to the primary dwelling use, such as: restaurants, meeting rooms, and recreational facilities. Motels generally do not offer these additional uses and have private entry to the dwelling units from exterior doorways facing the parking lot.

**IMPERVIOUS SURFACE** — Any material, structure or coverage that prevents the adsorption of stormwater into the ground, including stone driveways and parking lots.

**INCINERATOR** — A device used to burn waste substances and in which all the combustion factors are controlled; that is, temperature, retention time, turbulence, and combustion air.

**INDUSTRIAL PARK** — A tract of land that is planned and developed under a unified design scheme, and operated as an integrated facility for a number of light industrial uses regardless of ownership, either common or single and separate, which consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility. Heavy industrial uses shall not be a part of an industrial park.

**IN-HOME DAY CARE** — Any premises or dwelling unit where the day care areas are being used as a family residence, either operated for profit or not for profit, in which day care is provided on a regular basis to a combined total of four to six children or adults per day other than relatives of the care giver.

**INSTITUTION CENTER** — A unified grouping of one or more buildings and uses of the scale and size to meet the institutional needs of the immediate neighborhood or small planned residential community.

**JUNKYARD** — As defined and regulated by Ordinance 5 and Ordinance 13 of the Berwick Township Ordinances and by this Ordinance, any place, place of business or establishment

maintained, used or operated for storing, accumulating, buying or selling junk on the outside of any building, edifice or structure; or, where the business of selling, buying or dealing in junk is carried on, or where three (3) or more motor vehicles are stored which are unlicensed, inoperable and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania.

LAND DEVELOPMENT — Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

LANDOWNER — The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in land, including an individual, partnership association, limited partnership association or corporation.

LANDOWNER CURATIVE AMENDMENT — A proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance or map which prohibits or restricts the use or development of land in which they have an interest.

LANDSCAPE COVERAGE — The area of the lot covered by lawns, trees, plants and other natural material and decorative features; such as sculptures, walks, fountains and wading pools.

LICENSED HOSPITAL — An institution licensed by the Commonwealth of Pennsylvania providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

LIGHTING, DIFFUSED — Illumination that passes from the source through a translucent cover or shade.

**LINE, STREET** — A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

**LIVING AREA** — An area comprising no more than three (3) acres of an existing or proposed farm or no more than 1.25 acres of an Estate Lot, which may include an existing or proposed single-family residence or farmhouse, customary accessory structures, and a surrounding, manicured yard area.

**LOADING SPACE** — An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

**LOT** — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit. (See the graphic representation of the different lot configurations following the definitions.)

**FRONT LOT LINE (STREET LINE)** — A lot line separating the lot from the street right-of-way. In the case of corner lots, the lines extending along all street rights-of-way shall be considered front lot lines. In the case of a lot other than a corner lot that fronts on more than one (1) street, the lines extending along all street right-of-way lines are front lot lines.

**REAR LOT LINE** — A lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance of the front lot line or ten (10) percent of the minimum lot width, whichever is greater. In the case of corner lots, the rear lot line is the opposite and parallel to the street on which the structure fronts.

**SIDE LOT LINE** — Any lot line other than a front or rear lot line.

**LOT AREA** — The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street right-of-way, but including the area of any easement.

**LOT, CORNER** — A lot which as an interior angle of less than 135 degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

**LOT, COVERAGE** — The total area of all impervious surfaces on a lot (including building coverage) divided by the total lot area.

**LOT DEPTH** — The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

**LOT, DOUBLED FRONTAGE** — A lot with front and rear street frontage.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT, PANHANDLE** — A lot that is connected to a public street by a fifty (50) foot minimum wide strip of land that is part of the lot, but that is not used in determining the applicable minimum lot area requirement. Panhandle lots shall meet the applicable lot width requirements specified in the applicable zoning district at the front yard building set back line. The front yard setback shall be measured from the point where the fifty (50) foot wide strip terminated.

**LOT, REVERSE FRONTAGE** — A lot extending between and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.

**LOT, THROUGH** — A lot that abuts two (2) approximately parallel streets.

**LOT WIDTH** — The required distance between the side property lines measure at the front setback line.

**MANUFACTURING** — Establishments engaged in the production, processing, cleaning, testing and distribution of materials.

**MEDIATION** — A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MINERAL RECOVERY OPERATIONS** — The searching for or removal of rock, soil or minerals from the earth by excavating, stripping, mining, leveling, or any other process but exclusive of excavations or grading involved in the construction of a building. Also, mineral recovery operations include any processing operations in connection with the above activities. Permitted operations must comply with all current applicable Federal, State and local regulations.

**MINI- AND SELF-SERVICE STORAGE FACILITIES** — A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

**MIXED-USE LOT** — A lot which allows the mixture of one residential use with one nonresidential use, that is a residence with an office or small business.

**MOBILEHOME** — A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT** — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single family mobile home.

**MOBILE HOME PARK** — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MUNICIPAL ENGINEER** — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Berwick Township.

**MUNICIPALITIES PLANNING CODE** — The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended, and as may be further amended.

**MUNICIPALITY** — The Township of Berwick, Adams County, Pennsylvania.

**NATURE PRESERVES** — Areas in which human activities are very limited and where the natural environment is protected from man-made changes.

**NEIGHBORHOOD SERVICE CENTER** — A unified grouping of one or more buildings and uses of the scale and size to meet the service needs of the immediate neighborhood or small planned residential community.

**NO-IMPACT HOME-BASED BUSINESS** — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

*(as amended by Ordinance 64 of 2006, § 1)*

**NONCONFORMING LOT** — A lot, the area or dimension of, which was lawful prior to the adoption or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

**NONCONFORMING STRUCTURE** — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments, heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NURSING / ASSISTED-LIVING HOMES** — A licensed establishment, which provides full-time convalescent care for three (3), or more individuals who are not related by blood or marriage to the operator. A hospital shall not be construed to be included in this definition.

**OFFICIAL STREET CLASSIFICATION MAP** — The map as adopted by the Board of Supervisors classifying the streets of the Township. See definition of "Street Classification". This map may be amended by resolution of the Board of Supervisors.

**OFFICIAL ZONING MAP** — The map as adopted by the Board of Supervisors which designates the location and boundaries of Zoning Districts.

**OPEN SPACE** — Any parcel or area of land or water essentially unimproved and set aside, dedicated, or reserved for public or private use as stipulated in this Ordinance.

**OPEN SPACE RATIO** — A measure of the intensity of land use. It is calculated by dividing the total amount of open space within the development by the base site area.

**ORDINANCE** — The Berwick Township Zoning Ordinance including the Official Zoning Map and Official Street Classification Map, as amended.

**OUTDOOR TRAP, SKEET, RIFLE, PISTOL, OR ARCHERY RANGE** — Any area (usually in a sportsmen's or outdoor club) in which skeet shooting, rifle shooting or archery is practiced.

**OUTPATIENT MEDICAL FACILITY** — Any building or group of buildings occupied by medical practitioners and related service for the purpose of providing health services to persons on an outpatient basis.

**PARAPET** — That portion of a wall which extends above the roof line.

*(as amended by Ordinance 64 of 2006, § 1)*

**PARENT TRACT** — Each tract of land held in single and separate ownership on the effective date of this Ordinance.

**PARK** — A tract of land, designated and used by the public for active and/or passive recreation.

**PARKING** — Shall mean off-street parking unless otherwise stated.

**PENNDOT** — The Pennsylvania Department of Transportation, or its successor, and its subparts.

**PERFORMANCE STANDARDS** — A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

**PERMIT** — A document issued by the proper Township authority authorizing the applicant to undertake certain activities. Permits may include but are not necessarily limited to building permit, certificate of use and occupancy, driveway permit, sewage permit, stormwater management permit, well permit and zoning permit. For the purpose of the zoning ordinance, the following permits are defined:

**BUILDING PERMIT** — A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Township Permit Officer, in



accordance with the provisions of the building permit requirements of any building code which may be adopted by the Township.

**CERTIFICATE OF USE AND OCCUPANCY** — A certificate, issued by the Township Zoning Officer, verifying that the construction of a new structure and/or the alteration, expansion, or enlargement of an existing structure, has been completed in conformance with the zoning permit issued by the Township Zoning Officer authorizing such work.

**ZONING PERMIT** — A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Zoning Officer, in accordance with the Berwick Township Zoning Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations.

**PERSONAL SERVICE BUSINESS** — Any establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Such businesses may include, but are not necessarily limited to, barber shops, beauty shops, tailors, etc.).

*(as amended by Ordinance 64 of 2006, § 1)*

**PLACES OF WORSHIP** — A building or structure, or groups of buildings or structures, by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including cemeteries.

**PLANNING COMMISSION** — The Berwick Township Planning Commission.

**PORTICO** — A colonnade or covered ambulatory often found at the entrance of a building.

*(as amended by Ordinance 64 of 2006, § 1)*

**PROFESSIONAL OFFICE** — An office for any business involving the dispensation of a service that involves either some specialized skill or knowledge, or that requires connections to other businesses not easily or readily available to the general public. Such offices may include, but are not necessarily limited to, offices of doctors, lawyers, architects, financial services, stock brokers, engineers, etc.

*(as amended by Ordinance 64 of 2006, § 1)*

**PROJECTING RIB** — A continuous molding between adjoining plane surfaces.

*(as amended by Ordinance 64 of 2006, § 1)*

**PROPERTY LINE** — Has the same meaning as "lot line."

**PUBLIC HEARING** — A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.

**PUBLIC MEETING** — A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

**PUBLIC NOTICE** — As defined by the State Municipalities Planning Code, as amended. Notice published once a week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time, place and date of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**PUBLIC SERVICES OFFICES AND USES** — An office of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization; a station or operations center for police, fire, ambulance, or other equivalent emergency management service.

*(as amended by Ordinance 72 of 2008)*

**PUBLIC UTILITIES** — Buildings and structures necessary for the safe and efficient operation of the public utility, including communications buildings not associated with communication antennas or towers.

**RECREATION, ACTIVE** — Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**RECREATION AREA RATIO** — The measure of the amount of space per dwelling unit required for recreation activities.

**RECREATION, PASSIVE** — Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games. Passive recreation includes open space for nature walks and observations.

**RECYCLED MATERIALS COLLECTION AND PROCESSING** — A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products. These centers do not include transfer stations, landfills, composting facilities, resource recovery facilities or junkyards.

**REPORT** — Any letter, reviews, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination.

**RESIDENTIAL CONVERSIONS** — An existing building converted into residential dwelling units in accordance with this Ordinance.

**RETAIL WAREHOUSE OUTLET** — An establishment engaged in the sale of materials and goods, both durable and nondurable, as a combination of wholesale and retail trade. The outlet may be based wholly on a cooperative membership basis and not open to the general public as a club warehouse store.

**REVEAL** — A continuous groove between adjoining plane surfaces.

*(as amended by Ordinance 64 of 2006, § 1)*

**RIDING SCHOOLS OR HORSE BOARDING STABLES** — An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, or similar establishment.

**RIGHT-OF-WAY** — A public thoroughfare for vehicular traffic and/or pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, alley or however designated.

**RIGHT-OF-WAY, FUTURE** — Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. A right-of-way established to provide future access to or through undeveloped land.

**SANITARY LANDFILL** — A site for solid waste disposal utilizing a planned method of solid waste disposal and licensed and operated under the laws of the Commonwealth of Pennsylvania.

**SATELLITE DISH** — Any antenna in the shape of a shallow dish, and appurtenant equipment, used for the reception of communications (television or otherwise) from orbiting satellites or ground transmitters. This definition includes satellite dish antennas of all sizes including those satellite dish antennas less than three feet in diameter.

*(as amended by Ordinance 64 of 2006, § 1)*

**SCALE OF DEVELOPMENT** — The relationship of a particular project or development, in terms of size, height, bulk, intensity and aesthetics, to its surroundings.

**SCHOOL, PUBLIC OR PRIVATE PRIMARY OR SECONDARY SCHOOL** — An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or State-funded educational programs.

**SCREENING** — A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**SETBACKS** — The minimum required distance between a street line or property line and any building or structure on a lot.

*(as amended by Ordinance 72, of 2008)*

**SETBACK, FRONT** — The minimum required distance between the street line and any building or structure on a lot.

*(as amended by Ordinance 72, of 2008)*

**SETBACK, REAR** — The minimum required distance between the rear lot line and any building or structure on a lot.

*(as amended by Ordinance 72, of 2008)*

**SETBACK, SIDE** — The minimum required distance between the side lot line and any building or structure on a lot. Side setback requirements are applied only along the portion of the side lot line between the front setback and rear setback lines.

*(as amended by Ordinance 72, of 2008)*

**SEWAGE DISPOSAL SYSTEM** — A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, County, State, and Federal regulations.

**PUBLIC SEWER** — A municipal sanitary sewer system or a comparable common or package sanitary facility (i.e. community sewer system) approved and permitted by the Pennsylvania Department of Environmental Protection.

**ON-LOT OR NON-PUBLIC SEWER SERVICE** — Any septic system or structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot in accordance with Federal, State, and local regulations. An approved PADEP Planning Module and a Township permit are required to construct such a system.

**SHOPPING CENTERS** — A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

**SIGN** — Any permanent or temporary structure, or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag, or representation use as, or which in the nature of an advertisement, announcement, visual communication, or direction; or is designed to attract the eye or bring the subject to the attention of the public.

**ADVERTISING SIGN** — A sign which advertises or otherwise directs attention to a commodity, business, industry, or other similar activity, which is generally sold, offered, or conducted elsewhere than on the lot upon which such logo is located.

**BUSINESS SIGN** — An on-premise sign which directs attention to a business, commodity, service, industry, or other similar activity, which is generally sold, offered or conducted on the property on which the sign is located.

**DIRECTLY ILLUMINATED SIGN** — A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign.

**FESTOON-LIGHTED SIGN** — A directly illuminated sign comprised of a group of incandescent bulbs hung or strung overhead or used to outline a structure or any part thereof.

**FLASHING SIGN** — An illuminated sign on which the artificial light is not maintained in a stationary position and is not constant in intensity and color at all times when in use.

**FREESTANDING SIGN** — A self-supporting sign resting on the ground or supported by means of poles, standards, or other similar means in the ground. The height of freestanding signs shall be measured from the official street grade.

**INDIRECTLY ILLUMINATED SIGN** — A sign illuminated with a light so shielded that no direct rays there from are visible elsewhere on the lot where said illumination occurs.

**NONCONFORMING SIGN** — Any sign existing at the time of the passage of this Ordinance that does not conform in use, location, height, or size with the regulations of the district in which such sign is located shall be considered a nonconforming use and may continue in such use in its present location until replacement or rebuilding becomes necessary, at which time a permit will be required and the sign brought into conformity with this Ordinance.

**NON-ILLUMINATED SIGN** — A sign, which is not illuminated either directly or indirectly.

**ON-PREMISES SIGN** — A sign, which directs attention to an activity conducted on the same lot.

**OFF-PREMISES SIGN** — A sign, which directs attention to an activity no conducted on the same lot.

**PARALLEL SIGN** — A sign attached, painted, or otherwise mounted parallel to a wall or other vertical building surface.

**PROJECTING SIGN** — Any sign mounted to a wall or other vertical building surface other than a parallel sign.

**SITE CAPACITY** — The maximum number of dwelling units, the buildable portion of the site and the minimum open space as calculated under the provisions of Table 305-5.

**SLOPE** — The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

**SMALL PLANNED COMMUNITY** — A type of development allowed in planning areas 1 and 2 defined by the Berwick Township Comprehensive Plan. The development promotes the grouping or clustering of dwelling units; permits a variety of housing types to encourage better and more flexible design; integrates common open space; and encourages neighborhood service centers, institutional centers and places of assembly to serve the needs of the residential development.

**SPECIAL EXCEPTION** — See definition of "USE".

**SOLICITOR** — Unless otherwise stated, shall mean the appointed Solicitor to the Berwick Township Board of Supervisors.

**STEEP SLOPES** — Areas where the average slope is 20 percent or greater, which, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion and flooding.

**STORY** — That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

**STORY, HALF** — A story under a gable, hip, or gambrel roof, the wall plates of which at least two (2) opposite exterior walls are not over two feet (2') above the finished floor of such story.

**STREET** — Street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other means used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STREET CENTER LINE** — The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

**STREET CLASSIFICATION** — The functional classification of streets, as shown in the Berwick Township Comprehensive Plan, for existing streets and as determined by the Township Engineer for future streets.

**STREET LINE** — A line defining the edge of a street right-of-way and separating the street from abutting property of lots; commonly known as the "street right-of-way line."

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

*(as amended by Ordinance 64 of 2006, § 1)*

**STUDIO** — The workshop of an artist, sculptor, photographer, or craftsman.

**SUBDIVISION** — The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building for lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBDIVISION ORDINANCE** — The Berwick Township Subdivision and Land Development Ordinance, as amended.

**SWIMMING POOL** — A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used, and maintained for swimming and bathing.

**TAVERN** — An establishment which serves primarily alcoholic beverages for mostly on-premise consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

**TEMPORARY HOUSING FOR FARM WORKERS** — Mobile home or manufactured dwellings provided on a seasonal basis to house temporary farm laborers.

**TERMINAL ISLAND** - A landscaped island located on either end of rows of parking spaces within a parking lot, which provides opportunities for landscaping, and which defines the ends of parking aisles thus contributing to traffic circulation control.  
*(as amended by Ordinance 64 of 2006, § 1)*

**TOWNSHIP** — The Township of Berwick, Adams County, Pennsylvania.

**TRACT** — A parcel of land that is the subject of a development application.

**TRUCK TERMINAL** — An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

**USE** — The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained.

**CONDITIONAL USE** — A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all conditions and standards for the location or operation of the use as specified in this Ordinance and authorized by the Berwick Township Board of Supervisors.

**SPECIAL EXCEPTION USE** — A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all conditions and standards for the location or operation of the use as specified in this Ordinance and authorized by the Berwick Township Zoning Hearing Board.

**USE PERMITTED BY RIGHT** — A use permitted in a particular zoning district upon showing that such use in a specified location will comply with the district regulations for the location or operation of the use as specified and authorized in this Ordinance. These uses shall include conditional uses and special exception uses in accordance with the above definitions and meeting the conditions set forth in this Ordinance and authorized by the approving body.

**VARIANCE** — The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall be granted only within the limitations of the Municipalities Planning Code.

**VEGETATIVE COVERAGE** — The area of the lot covered by lawns, plants, shrubs and trees.

**VEHICLE FUELING STATION** — A building where gasoline is sold, where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emissions inspections.

**VEHICLE REPAIR SERVICES AND GARAGES** — A building where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "vehicle refueling station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions.

**VEHICLE SALES** — A building or area used for outdoor or indoor display, sale, lease or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, utility trailers, boats, or transportable mobile/manufactured homes in livable condition.

**VEHICLE WASHING FACILITY** — A building designed and used primarily for the washing and polishing of vehicles and which may provide accessory services related to washing and polishing.

**VETERANARIAN FACILITIES AND ANIMAL HOSPITALS** — A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to hospital use.

**WAREHOUSE** — A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials.

**WATER FACILITY** — Any water works, water supply works, water distribution system, or part thereof designed, intended or constructed to provide or distribute potable water. (For permitting of community and non-community water systems definitions shall be consistent with the Department of Environmental Protection Chapter 109 regulations).

- A. **WATER DISTRIBUTION SUPPLY SYSTEM, CENTRALIZED** — A public or private utility system designed to transmit potable water from a common source to customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever may be more stringent.



- B. WATER DISTRIBUTION SUPPLY SYSTEM, COMMUNITY — A system for applying and distributing water from a common source for two or more dwellings and/or other buildings within a single neighborhood.
- C. WATER DISTRIBUTION SUPPLY SYSTEM, ON-SITE — A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

WETLAND MARGIN — The wetland margin shall extend 50 feet from the wetland boundary or to the limit of the hydric soils, whichever is less.

WETLANDS — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zoning Management Plan, and any wetland area designated by a river basin commission.

WHOLESALE — Sales that primarily involve transactions with other businesses and their agents and not to the general public.

WILDLIFE REFUGE — A publicly or privately owned natural area established and/or maintained as a protective habitat for plants and animals.

YARD — An open space that lies between the principal building or buildings and the nearest lot or street line. The minimum required yard as set forth in this Ordinance is unoccupied and unobstructed from the ground up except as may be specifically provided in the Ordinance.

YARD BUFFER — A strip of land, free of any principal or accessory building or required improvement other than screening to physically separate on incompatible use from another and as illustrated in the Berwick Township Subdivision and Land Development Ordinance.

YARD, EXTERIOR — An open, unobstructed space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.

YARD, FRONT — The area between the street line (as defined in this Ordinance) and the closest portion of any building or structure on the lot. The front yard extends the full width of the lot from one side lot line to the other side lot line in the case of typical lots. The front yard extends the full width of both street rights-of-way in the case of corner lots.

*(as amended by Ordinance 72, of 2008)*

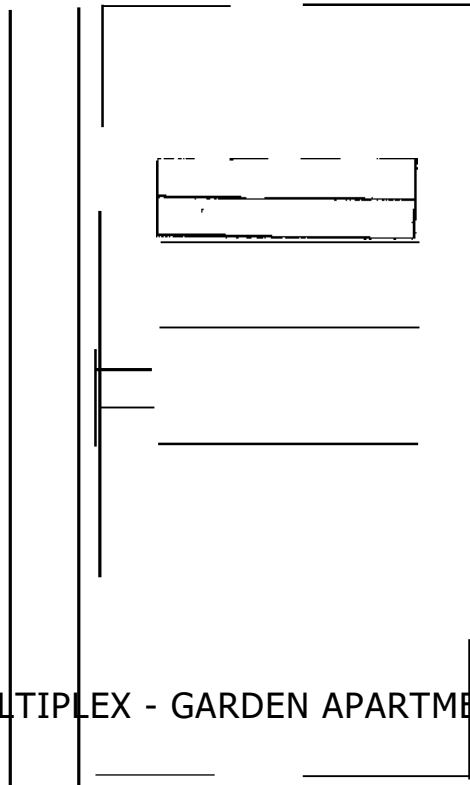
**YARD, REAR** — An area between the street line (as defined in this Ordinance) and the closest portion of any building or structure on the lot. The rear yard extends the full width of the lot from one side lot line to the other side lot line in the case of typical lots. The rear yard extends from the minimum front setback line to the opposing rear yard setback in the case of corner lots.  
*(as amended by Ordinance 72, of 2008)*

**YARD, SIDE** — An area between the side lot line (as defined in this Ordinance), and the closet portion of any building or structure on the lot. The side yard extends from the minimum front setback line to the minimum rear setback line.  
*(as amended by Ordinance 72, of 2008)*

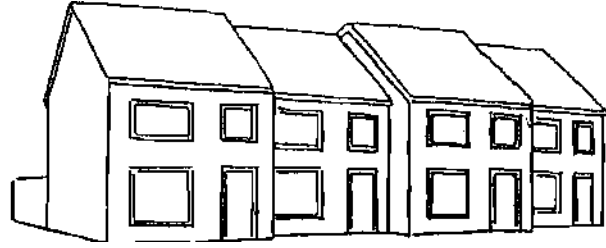
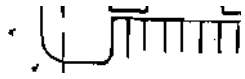
**ZONING MAP** — The Official Zoning Map of Berwick Township adopted under the Berwick Township Zoning Ordinance, together with all amendments thereto subsequently adopted.

**ZONING OFFICER** — The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

**ZONING ORDINANCE** — The Berwick Township Zoning Ordinance.



MULTIPLEX - GARDEN APARTMENTS



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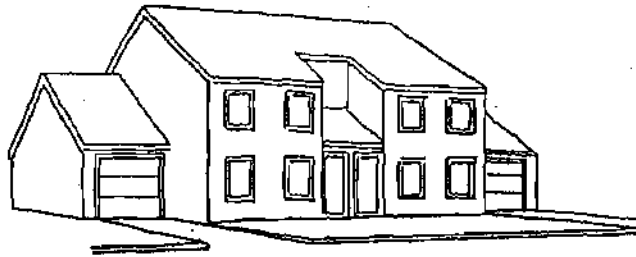
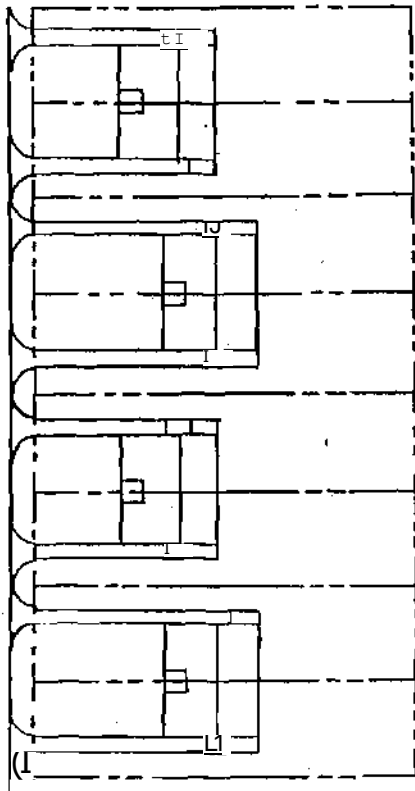
**SINGLE FAMILY ATTACHED -  
TOWNHOUSES**



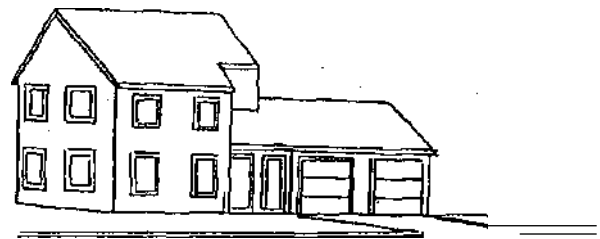
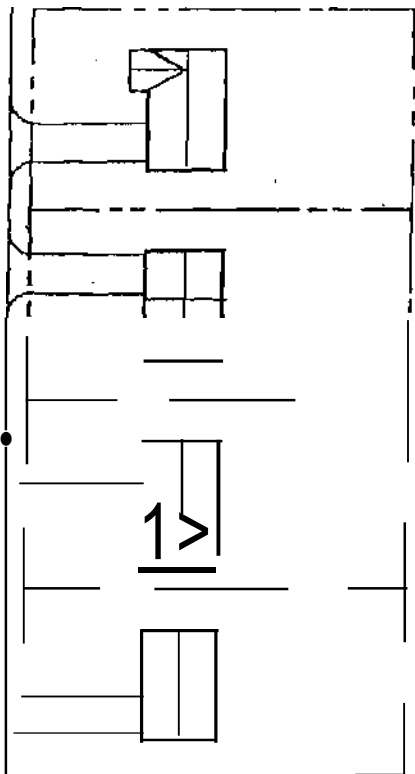
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**SINGLE FAMILY DETACHED DWELLINGS**

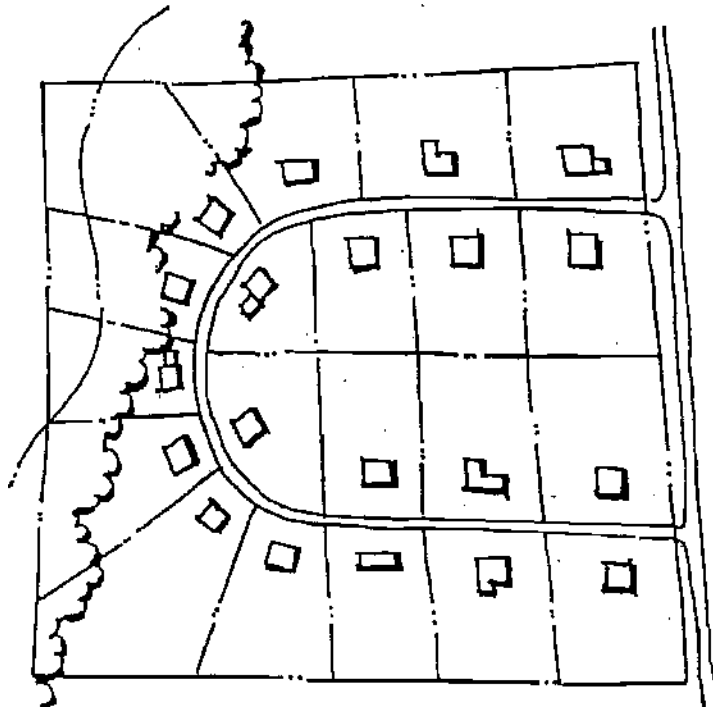




**SINGLE FAMILY SEMI-DETACHED DWELLINGS (DUPLEX)**

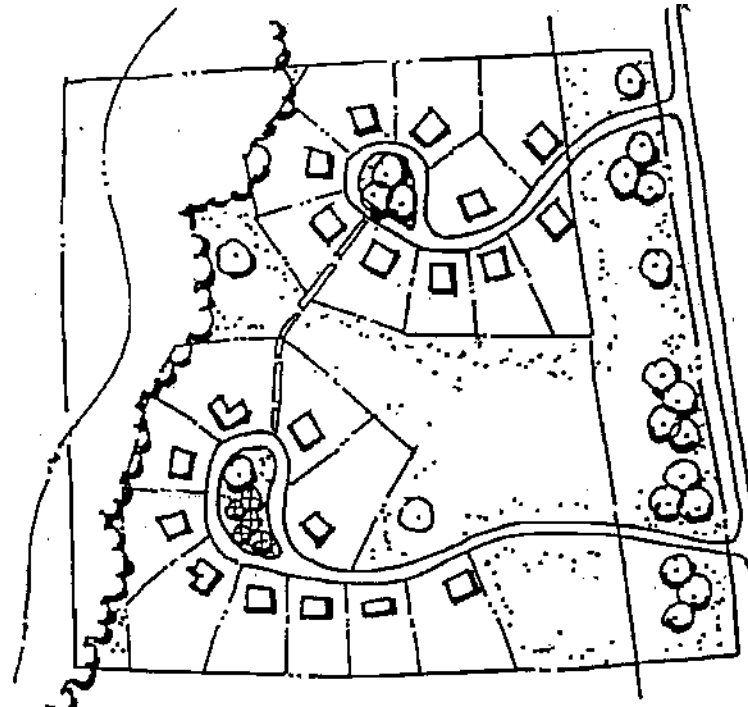


**TWO FAMILY ATTACHED**



Not to Scale

**STANDARD SUBDIVISION**



Not to Scale

**CLUSTER SUBDIVISION**

**LEGEND**

- J Single Family House
- 1=3=1 Pedestrian Path System
- Open Space

**SITE DATA**

- 20 acre site
- 20 units provided = 1 unit/ acre
- Residential Clusters limited to 10 lots each



**ARTICLE 3  
DISTRICT REGULATIONS**

**§ 300. Designation of Districts**

A. Establishment of Districts: Berwick Township is divided into districts enumerated below and shown on the map entitled "Zoning Map of Berwick Township," which map is part of this Ordinance.

<b>Class of District</b>	<b>District Symbol</b>	<b>District Name</b>
<b>Resource Protection</b>	(RC)	Rural Conservation
<b>Residential</b>	(RR)	Rural Residential
	(R-1)	Residential Low Density
	(R-2)	Village Residential
	(R-3)	Residential Community
<b>Mixed Use</b>	(LMU)	Limited Mixed Use
<b>Economic Development</b>	(HC)	Highway Commercial
	(EC)	Employment Center

B. Boundaries of Districts: Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets or highways shall be construed to follow such centerline.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following municipality lines shall be construed as following municipality lines.
- (4) Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsection (1) through (4) shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map, unless the boundaries are indicated by dimensions.
- (6) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstance not covered above, the Zoning Officer shall determine the district boundaries; however, said determination may be appealed to the Zoning Hearing Board.



C. Permitted Uses:

- (1) The uses permitted by this Ordinance are as shown in the zoning districts. The uses shown as permitted in each district are the only uses permitted in that district and all other uses are subject to subsection D below.
- (2) Unless otherwise noted, the extent-of-use are the dimensional requirements for each use. However, additional or special extent-of-use requirements for certain uses and structures are set forth in Article 4, Use Regulations and Article 6, Supplementary Regulations.

D. All Other Uses: Any use not specifically allowed elsewhere in the Ordinance shall be allowed by special exception in the district or districts where and to the extent that similar uses are permitted or allowed by special exception provided that said use meets the general requirements for a special exception according to Article 9, Section 903.D(2) and does not constitute a public or private nuisance.

E. Applicability: The following statements shall apply unless otherwise provided by law or in this Ordinance.

- (1) No building, structure or land in each district shall be used or occupied except for the express purposes specified for each district.
- (2) Uses, structures and lots existing at the time of passage of this Ordinance and not in full compliance with the provisions of this Ordinance shall comply with the applicable provisions of Article 5, Nonconformities.

**§ 301. Rural Conservation Districts (RC)**

A. Purpose: The intent of the Rural Conservation Districts (RC) is to:

- (1) Conserve and enhance the existing rural, natural and scenic character of the Pigeon Hills and its environs.
- (2) Limit growth where the natural environment continues to dominate the landscape.
- (3) Conserve natural features such as woodlands and scenic views and vistas.
- (4) Preserve sensitive natural features such as steep slopes (>20 percent), wetlands and floodplains.
- (5) Continue the use of on-lot wastewater and water systems or community systems for residential clusters in appropriate areas outside the immediate sewer service area as defined by the Berwick Township Act 537 Plan.

- (6) Encourage compact residential clusters with direct visual and physical access to open space, estate lots, farms, and conservation areas.
- (7) Accommodate agriculture and agribusiness uses in appropriate locations.
- (8) Place development on the most suitable areas for integrations with the natural setting.
- (9) Manage road frontage development by providing adequate distances between driveways and between buildings and roadways to maintain the rural character and the safety, capacity and condition of rural roadways.
- (10) Implement the Land Use Plan of the Berwick Township Comprehensive Plan.

B. Permitted Uses:

- (1) The following list establishes the uses permitted in the RC Districts:

<b>Type of Use</b>	<b>Type of Use: P=Permitted, SE=Special Exception, C=Conditional</b>	<b>Use Regulations</b>
<b>Residential Uses:</b>		
Cluster Residential Lots	SE	Section 401
Farm Dwelling	P	
Residential Conversion	SE	Section 404
Single Family Detached Dwellings	P	
<b>Agricultural Uses:</b>		
Agribusiness	C	Section 405
Animal Husbandry	P	Section 406
Crop Farming	P	
Forestry <i>(as amended by Ordinance 64 of 2006, § IV)</i>		
Forestry, including Lumber and Saw Mills	SE	Section 434
Riding Schools and Horse Boarding Stables	P	Section 407

<b>Recreational Uses:</b>		
Campgrounds and Facilities	S E	Section 408
Nature Preserves and Wildlife Sanctuaries	P	
Outdoor Trap, Skeet, Rifle, Pistol and Archery Range	S E	Section 411
Parks and Playgrounds	P	
Public / Transportation / Utility Uses		
Airport and/or Landing Strip	C	Section 443
Communications Antennas Mounted on an existing public utility tower, building or structure with communication equipment buildings	P	Section 440
Helistop	C	Section 444
Public Services Office Uses	P	Section 441
Public Utilities	P	Section 442
<b>Accessory Uses:</b>		Section 601
Accessory Use customarily incidental to the above permitted uses, including:		
No-Impact Home-Based Business <i>(as amended by Ordinance 64 of 2006, § V)</i>	P	Section 445
Bed and Breakfast Inn	S E	Section 446
Cottage Industry	S E	Section 421
Garages and Other Accessory Structures	P	
Granny Flats (Accessory Housing)	S E	Section 447
Home Occupations <i>(as amended by Ordinance 64 of 2006, §</i>	S E	Section 450
In-Home Day Care	P	
Private Swimming Pools	P	Section 449

<b>Accessory Uses Incidental to Principal Agricultural Uses Only:</b>		
Commercial Kennels	P	Section 419
Permanent Roadside Stands for the sale of agricultural products	P	Section 448
Temporary Roadside Stands for the sale of agricultural products	P	

- (2) All uses are permitted by right, conditional use or by special exception in these districts and as indicated in Section B(1) above under the strict conformance with the dimensional requirements and reference to specific, relevant sections of this Ordinance.
- (3) In addition, Articles 2, Definitions; Article 4, Use Regulations; Article 6, Supplementary Regulations; Article 7, Off-Street Parking and Loading Requirements; and Article 8, Sign Regulations are applicable. In addition to the Use Regulations (Article 4), special exception and conditional uses shall meet the general requirements of Article 9.
- (4) No more than one principal use shall be allowed on each lot.

C. Area and Dimensional Requirements:

- (1) Maximum Density:
  - (a) One (1) dwelling unit or nonresidential lot per five (5) acres.
  - (b) One (1) dwelling unit per three (3) acres for the residential cluster lot use.
  - (c) All applications for approval of a subdivision within the RC District shall include a chart documenting the following information:
    - (1) The total number of lots permitted to be subdivided from the existing property in accordance with Section 301.C(1)(a) or 301.C(1)(b), as appropriate.
    - (2) The number of lots or units already developed on, or subdivided from, the existing property.
    - (3) The number of new lots proposed by the subdivision plan.

- (4) The number of remaining lots which may be subdivided from the existing property. This number shall be calculated by subtracting the numbers derived from Sections 301.C(1)(c)(2) and 301.C(1)(c)(3) from the number derived from Section 301.C(1)(c)(1). If this number is zero (0), the application for approval of a subdivision shall include a note stating that no further lots or units shall be permitted to be developed on the existing property.

*(as amended by Ordinance 64 of 2006, § VI)*

- (2) Lot Dimensions, except for cluster residential lots, addressed in Section 401:
  - (a) Minimum lot size: One (1) acre.
  - (b) Minimum Lot Width: One hundred-fifty (150) feet.
  - (c) Minimum Lot Size and Width Adjustments: In accordance with the Berwick Township Subdivision and Land Development Ordinance and on the basis of the Berwick Township Sewage Enforcement Officer analysis of soil percolation tests, the minimum lot size and width shall be increased to accommodate an approvable on-lot sewage system.
- (3) Minimum Setbacks:
  - (a) Front Yard: One hundred (100) feet.
  - (b) Side Yard: Twenty-five feet.
  - (c) Rear Yard: Fifty (50) feet.
  - (d) Non-Farm Parcel Setbacks. Non-farm parcels located contiguous to agricultural lands shall meet the following additional setbacks measured from the non-farm property line which is contiguous to the farm parcel.
    - 1. Shrubs shall be set back twenty (20) feet.
    - 2. Trees shall be set back thirty (30) feet.
    - 3. All wells shall be set back fifty (50) feet.

### **§ 302. Rural Residential Districts (RR)**

A. Purpose: The intent of the Rural Residential District (RR) is to:

- (1) Conserve, enhance, and extend, where appropriate and in accordance with the Berwick Township Comprehensive Plan, the existing rural residential area of the Township, comprised primarily of large lot residential subdivisions.

- (2) Limit the use of the land to primarily residential uses.
- (3) Limit growth where the natural environment continues to dominate the landscape.
- (4) Conserve natural features such as woodlands and scenic views and vistas.
- (5) Preserve sensitive natural features such as steep slopes (>20 percent), wetlands and floodplains.
- (6) Continue the use of on-lot wastewater and water systems or community systems for residential clusters in appropriate areas outside the immediate sewer service area as defined by the Berwick Township Act 537 Plan.
- (7) Place development on the most suitable areas for integration with the natural setting.
- (8) Manage road frontage development by providing adequate distances between driveways and between buildings and roadways to maintain the rural character and the safety, capacity and condition of rural roadways.
- (9) Implement the Land Use Plan of the Berwick Township Comprehensive Plan.

B. Permitted Uses:

- (1) The following list establishes the uses permitted in the RR Districts:

<b>Type of Use:</b>	<b>Type of Use: P=Permitted SE=Special Exception C=Conditional</b>	<b>Use Regulations</b>
<b>Residential Uses:</b>  Cluster Residential Lots  Farm Dwelling  Residential Conversions  Single Family Detached Dwellings  <b>Agricultural Uses:</b>  Crop Farming	  SE  P  SE  P    P	  Section 401    Section 404    

Forestry <i>(as amended by Ordinance 64 of 2006, § IV)</i>	P	
<b>Recreational Uses:</b>		
Parks and Playgrounds	P	
<b>Public / Transportation / Utility Uses:</b>		
Public Services Office Uses, not including communications towers and antenna	P	Section 441
Public Utilities	P	Section 442
<b>Accessory Uses:</b>		Section 601
Accessory Use customarily incidental to the above permitted uses, including:		
No-Impact Home-Based Business <i>(as amended by Ordinance 64 of 2006, § V)</i>	P	Section 445
Cottage Industry	SE	Section 421
Garages and Other Accessory Structures	P	
Granny Flats (Accessory Housing)	SE	Section 447
Home Occupations <i>(as amended by Ordinance 64 of 2006, § III)</i>	SE	Section 450
In-Home Day Care	P	
Private Swimming Pools	P	Section 449

- (2) All uses are permitted by right, conditional use or by special exception in these districts and as indicated in Section B(1) above under the strict conformance with the dimensional requirements and reference to specific, relevant sections of this Ordinance.
- (3) In addition, Article 2, Definitions; Article 4, Use Regulations; Article 6, Supplementary Regulations; Article 7, Off-Street parking and Loading Requirements; and Article 8, Sign Regulations are applicable. In addition to the Use Regulations (Article 4), special exception uses and conditional uses shall meet the general requirements of Article 9.
- (4) No more than one principal use shall be allowed on each lot.

C. Area and Dimensional Requirements:

(1) Maximum Density:

- (a) One (1) dwelling unit per two (2) acres.
- (b) One (1) dwelling unit per acre for the residential cluster lot use.
- (c) All applications for approval of a subdivision within the RR District shall include a chart documenting the following information:
  - (1) The total number of lots permitted to be subdivided from the existing property in accordance with Section 301.C(1)(a) or 301.C(1)(b), as appropriate.
  - (2) The number of lots or units already developed on, or subdivided from, the existing property.
  - (3) The number of new lots proposed by the subdivision plan.
  - (4) The number of remaining lots which may be subdivided from the existing property. This number shall be calculated by subtracting the numbers derived from Sections 301.C(1)(c)(2) and 301.C(1)(c)(3) from the number derived from Section 301.C(1)(c)(1). If this number is zero (0), the application for approval of a subdivision shall include a note stating that no further lots or units shall be permitted to be developed on the existing property.

*(as amended by Ordinance 64 of 2006, § VII)*

(2) Lot Dimensions, except for cluster residential lots, addressed in Section 401:

- (a) Minimum Lot Size: One (1) acre.
- (b) Minimum Lot Width: One hundred fifty (150) feet.
- (c) Minimum Lot Size and Width Adjustments: In accordance with the Berwick Township Subdivision and Land Development Ordinance and on the basis of the Berwick Township Sewer Enforcement Officer analysis of soil percolation tests, the minimum lot size and width shall be increased to accommodate an approvable on-lot sewage system.

(<sup>3</sup>) Minimum Setbacks:

- (a) Front yard based on functional roadway classifications identified in the Berwick Township Comprehensive Plan.



1. Lots abutting arterial, major collector and minor collector streets: One hundred (100) feet.
  2. Lots abutting local streets: Thirty-five (35) feet.
- (b) Side Yard: Twenty-five (25) feet.
- (c) Rear Yard: Fifty (50) feet.
- (d) Non-Farm Parcel Setbacks: Non-farm parcels located contiguous to agricultural lands shall meet the following additional setbacks measured from the non-farm property line which is contiguous to the farm parcel.
1. Shrubs shall be set back twenty (20) feet.
  2. Trees shall be set back thirty (30) feet.
  3. All wells shall be set back fifty (50) feet.

**§ 303. Residential Low Density Districts (R-1)**

- A. Purpose: The intent of the Residential Low Density District (R-1) is to:
- (1) Recognize and protect the existing low density residential development patterns, which have occurred along Racetrack and Green Springs Roads as identified in the adopted Berwick Township Comprehensive Plan.
  - (2) Allow a moderate amount of similar growth and development to occur adjacent to the existing residential development.
  - (3) Include the majority of these areas within the sewer service area of the Township.
  - (4) Exclude incompatible nonresidential uses from locating in the residential area.
  - (5) Implement the Land Use Plan of the Berwick Township Comprehensive Plan.
- B. Permitted Uses:
- (1) The following list establishes the uses permitted in the R-1 Districts:

<b>Type of Use:</b>	<b>Type of Use P=Permitted SE=Special Exception C=Conditional</b>	<b>Use Regulations</b>
<p><b>Residential Uses:</b></p> <p>Residential Conversions</p> <p>Single Family Detached Dwellings</p> <p><b>Institutional Uses:</b></p> <p>Educational Institutions</p> <p>Places of Worship</p> <p><b>Recreational Uses:</b></p> <p>Parks and Playgrounds</p> <p><b>Agricultural Uses:</b></p> <p>Forestry <i>(as amended by Ordinance 64 of 2006, § IV)</i></p> <p><b>Public Uses:</b></p> <p>Communications Antennas mounted on an existing public utility tower, building or structure, with communication equipment buildings</p> <p>Public Services Office Uses, with the exception of communications tower</p> <p>Public Utilities</p> <p><b>Accessory Uses:</b></p> <p>Accessory Use customarily incidental to residential uses, including:</p> <p>No-Impact Home-Based Business <i>(as amended by Ordinance 64 of 2006, § V)</i></p>	<p>SE</p> <p>P</p> <p>SE</p> <p>SE</p> <p>P</p> <p>P</p> <p>SE</p> <p>P</p> <p>P</p> <p>P</p>	<p>Section 404</p> <p>Section 412</p> <p>Section 415</p> <p>Section 440</p> <p>Section 441</p> <p>Section 442</p> <p>Section 601</p> <p>Section 445</p>

Garages and Other Accessory Structures	P	
Granny Flats	SE	Section 447
Home Occupations <i>(as amended by Ordinance 64 of 2006, § III)</i>	SE	Section 450
In-Home Day Care	P	
Private Swimming Pools	P	Section 449

- (2) All uses are permitted by right, conditional use or by special exception in these districts and as indicated in Section B(1) above under the strict conformance with the dimensional requirements and reference to specific relevant sections of this Ordinance.
- (3) In addition, Article 2, Definitions; Article 4, Use Regulations; Article 6, Supplementary Regulations; Article 7, Off-Street Parking and Loading Requirements; and Article 8, Sign Regulations are applicable. In addition to the Use Regulations (Article 4), special exception and conditional uses shall meet the general requirements of Article 9.
- (4) No more than one principal use shall be allowed on each lot.

C. Area and Dimensional Requirements:

- (1) Residential Requirements: The area and dimensional requirements are presented in Table 303-1, Area and Dimensional Requirements.

**Table 303-1: Area and Dimensional Requirements**

<b>Requirement</b>	<b>Lots Served by both Public Water and Public Sewer</b>	<b>Lots Served by neither Public Water or Public Sewer</b>
Minimum lot area (sq. ft.) [i]	20,000	43,560
Minimum lot width at setback line (feet)	100	150
Minimum setbacks (feet)		
Front yard	30	30
Side yard	10	10
Rear yard	35	35
Maximum lot coverage (percent)	35	35

*(as amended by Ordinance 64 of 2006, § VIII)*

[i] Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes and width shall be increased to accommodate an approvable on-lot sewage system.

- (2) Nonresidential Requirements: Nonresidential uses shall follow the area and dimensional requirements set forth on Table 303-1 or as indicated in Article 4, Use Regulations, whichever is more restrictive; however, the lot area and width requirements shall be increased as necessary to accommodate off-street parking, loading and buffers and screening in Articles 6 and 7 of this Ordinance and design requirements of the Berwick Township Subdivision and Land Development Ordinance.

**§ 304. Village Residential Districts (R-2)**

A. Purpose: The intent of the Village Residential District (R-2) is to:

- (1) Recognize and protect the existing residential development patterns, which have occurred in and around the Borough of Abbottstown.
- (2) Allow a moderate amount of similar growth and development to occur adjacent to the Borough.
- (3) Include these areas within the sewer service area of the Township.
- (4) Exclude incompatible nonresidential uses from locating in the residential area.
- (5) Implement the Land Use Plan of the Berwick Township Comprehensive Plan.

B. Permitted Uses:

- (1) The following list establishes the uses permitted in the R-2 Districts:

Type of Use	Type of Use: P=Permitted, SE=Special Exception, C=Conditional	Use Regulations
<b>Residential Uses:</b>		
Residential Conversions	SE	Section 404
Mobile Home Park	C	Section 403
Single Family Detached Dwellings	P	
Single Family Semi-Detached Dwellings	P	
Single Family Attached Dwellings	P	
Two Family Attached	P	

<b>Agricultural Uses:</b>		
Forestry <i>(as amended by Ordinance 64 of 2006, § IV)</i>	P	
<b>Institutional Uses:</b>		
Educational Institutions	SE	Section 412
Nursing / Assisted Living Homes	SE	Section 414
Places of Worship	SE	Section 415
<b>Recreational Uses:</b>		
<b>Public Uses:</b>		
Communication Antennas mounted on and existing public utility tower, building or structure, and communications equipment buildings	SE	Section 440
Public Services Office Uses, with the exception of Communications Tower	P	Section 441
Public Utilities	P	Section 442
<b>Accessory Uses:</b>		Section 601
Accessory Uses customarily incidental to residential uses, including:		
No-Impact Home-Based Business <i>(as amended by Ordinance 64 of 2006, § V)</i>	P	Section 445
Garages and other Accessory Structures	P	
Granny Flats	SE	Section 447
Home Occupations <i>(as amended by Ordinance 64 of 2006, § III)</i>	SE	Section 450
In-Home Day Care	P	
<u>Private Swimming Pools</u>	P	Section 449

- (2) All uses are permitted by right, conditional use or by special exception in these districts and as indicated in Section B(1) above under the strict conformance with the dimensional requirements and reference to specific, relevant sections of the Ordinance.
- (3) In addition, Article 2, Definitions; Article 4, Use Regulations; Article 6, Supplementary Regulations; Article 7, Off-Street Parking and Loading Requirements; and Article 8, Sign Regulations are applicable. In addition to the Use Regulations (Article 4), special exception uses and conditional uses shall meet the general requirements of Article 9.
- (4) No more than one principal use shall be allowed on each lot. *(as amended by Ordinance 64 of 2006, § XI)*

C. Area and Dimensional Requirements:

- (1) Residential Requirements: The area and dimensional requirements are presented on Table 304-1, Area and Dimensional Requirements.
- (2) Nonresidential Requirements: Nonresidential uses shall follow the area and dimensional requirements set forth on Table 304-1 for single family detached units or an indicated in Article 4, Use Regulations, whichever is more restrictive; however, the lot area and width requirements shall be increased as necessary to accommodate off-street parking, loading and buffers and screening established in Articles 6 and 7 of this Ordinance and design requirements of the Berwick Township Subdivision and Land Development Ordinance.

**TABLE 304-1  
RESIDENTIAL USE: AREA AND DIMENSIONAL REQUIREMENTS**

**Requirement by Type of Unit**

	<b>Single-Family Detached</b>	<b>Single-Family Semi-Detached (duplex)</b>	<b>Two-Family Attached</b>	<b>Single-Family Attached (townhouses)</b>
Minimum Lot Area Per Dwelling Unit (sq. ft.) [i]				
Lots Served by both Public Water and Public Sewer	10,000	8,000	5,000	4,500
Lots Served by neither Public Water or Public Sewer	43,560	Not Permitted	Not Permitted	Not Permitted

Minimum Lot Width at Setback Line per Dwelling Unit (feet)				
Lots Served by both Public Water and Public Sewer	85	60	45	Interior Unit: 20 Corner Unit: 40
Lots Served by Public Water or Public Sewer	90	Not Permitted	Not Permitted	Not Permitted
Lots Served by neither Public Water or Public Sewer	100	Not Permitted	Not Permitted	Not Permitted
Minimum Yards (feet)				
Front	25	25	25	25
Side  <i>(as amended by Ordinance 64 of 2006, § IX)</i>	10	10	10	Corner Unit One Side Yard: 10
Rear	10	10	10	10
Maximum Number of Units per Building	na	na	na	6 [ii]

*(as amended by Ordinance 64 of 2006, §X)*  
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[i] Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes and width shall be increased to accommodate an approvable on-lot system.

[ii] Maximum number of attached townhouses.  
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**§ 305. Residential Community Districts (R-3)**

A. Purpose: The intent of the Residential Community Districts (R-3) is to provide appropriate areas in Berwick Township to accommodate new growth and development and thus meet the goals and objectives and implement the policies of the Berwick Township Comprehensive Plan, Planning Area 1, and Planned Residential Communities. These principles are to:

- (1) Develop small planned residential communities on larger lots (25 acres or more) with a commitment to ecology and natural resource sensitive design.
- (2) Locate these communities within the Township's designated growth area.
- (3) Provide public water and public sewer.

- (4) Provide a variety of housing types with a range of values.
- (5) Include an option for meeting the community's neighborhood recreation and convenience shopping and service needs.
- (6) Ensure easy access to the community's open space, recreational and shopping / service areas.
- (7) Conserve natural features such as woodlands and scenic views and vistas.
- (8) Preserve sensitive natural features such as steep slopes (>20 percent), wetlands and floodplains.
- (9) Place development on the most suitable areas for integration with the natural setting.
- (10) Value innovative and flexible design as set forth in the requirements below and in the Berwick Township Subdivision and Land Development design standards and Berwick Township Stormwater Management Ordinance.

**B. Permitted Uses:**

- (1) The following list establishes the uses permitted in the R-3 Districts:

<b>Type of Use</b>	<b>Type of Use: P=Permitted, SE=Special Exception, C=Conditiona</b>	<b>Use Regulations</b>
<b>Residential Uses:</b>  Single Family Detached Dwellings  Single Family Semi-Detached Dwellings  Single Family Attached Dwellings  Two Family Attached  Multiplex (Garden Apartments)  <b>Nonresidential Uses — Neighborhood Service Center:</b>  Professional Offices	  P  P  P  P  P    P	          Section 305.0 and D



Daycare Center	P	
Personal Service Businesses, such as: barber, beautician, dry cleaning, custom tailoring, florist, pharmacy, banking, excluding adult businesses and drive-through service	P	
Small Restaurants and Ice Cream Parlors, excluding drive-through service	P	
Convenience Grocery Stores or Local Produce Markets, excluding fuel pumps	P	
<b>Agricultural Uses:</b>		
Forestry <i>(as amended by Ordinance 64 of 2006, § IV)</i>		
<b>Nonresidential Uses — Institutional Centers and Places of Assembly:</b>		Section 305.0 and D
Educational Institutions	P	
Library	P	
Nursing / Assisted Living Homes	P	Section 414
Places of Worship	P	
Community Buildings	P	
Public Service Uses, with the exception of Communications Towers <i>(as amended by Ordinance 72 of 2008)</i>	P	
<b>Recreational Uses:</b>		
Parks and Playgrounds	P	
Community Swimming Pool	P	
Common Open Space	P	
Golf Course	SE	Section 410
<b>Accessory Uses:</b>		Section 601

Accessory Use customarily incidental to residential uses, including:		
No-Impact Home-Based Business <i>(as amended by Ordinance 64 of 2006, § V)</i>	P	Section 445
Home Occupations <i>(as amended by Ordinance 64 of 2006, § III)</i>	SE	Section 450
In-Home Day Care	P	
Garages and other Accessory Buildings and Structures	P	
Private Swimming Pools	P	Section 449

(2) All uses are permitted by right, conditional use or by special exception in these districts and as indicated in Section B(1) above under the strict conformance with the dimensional requirements and reference to specific, relevant sections of this Ordinance.

(3) In addition, Article 2, Definitions; Article 4, Use Regulations; Article 6, Supplementary Regulations; Article 7, Off-Street Parking and Loading Requirements; and Article 8, Sign Regulations are applicable. In addition to the Use Regulations (Article 4), special exception uses and conditional uses shall meet the general requirements of Article 9.

(4) No more than one principal use shall be allowed on each lot.

*(as amended by Ordinance 64 of 2006, § XII)*

C. All parcels greater than twenty-five (25) acres, as of the effective date of this Ordinance, shall develop in accordance with Section 305.D through 305.F where development, either initially or cumulatively, of greater than five (5) lots or uses is proposed.

*(as amended by Ordinance 64 of 2006, § XIII)*

D. Performance Standards: The tract as a whole shall meet the standards prescribed on the following table. The tracts will offer a variety of housing types with the option to provide a limited number of neighborhood-oriented nonresidential uses.

**Table 305-1  
PERFORMANCE STANDARDS FOR THE R-3 DISTRICTS**

<b>Performance Measure</b>	<b>Standard</b>
Minimum Open Space Ratio:	40 percent, where 30 percent of the minimum open space ratio shall be designated as common open space.

Maximum Residential Density:	5 dwelling units per acre	
Minimum Recreation Area Ratio:	1,250 square feet / dwelling unit	
Minimum Tract Area:	25 acres	
Public Sewer and Water Service:	Required	
<i>(as amended by Ordinance 64 of 2006, §X110)</i>		
Dwelling Unit Mix by number of dwellings in developments	Minimum Required # of Dwelling Unit Types	Minimum Percent of each proposed Dwelling Unit Types
1-60 Dwellings	1	n/a
61-150 Dwellings	2	15%
151-400 Dwellings	3	10%
401 or More Dwellings	4	5%
Maximum Nonresidential Use, the provision of nonresidential use is optional but under no circumstances shall it exceed the following calculated square footage for the total nonresidential area.	50 square feet of building area per residential dwelling unit.	

E. Area and Dimensional Requirements: The following regulations set forth area and dimensional requirements for residential and nonresidential uses by type.

- (1) Residential Requirements: The residential area and dimensional requirements are presented on Table 305-2, Residential Use Area and Dimensional Requirements.

**Table 305-2  
RESIDENTIAL USE: AREA AND DIMENSIONAL REQUIREMENTS**

**Requirement by Type of Unit**

<b>Regulation</b>	<b>Single-Family Detached</b>	<b>Single-Family Semi-Detached (duplex)</b>	<b>Two-Family Attached</b>	<b>Single-Family Attached (town-houses)</b>	<b>Multiplex (Garden Apartments)</b>
Minimum Lot Area per Dwelling Unit (sq. ft.)	10,000	4,500	5,000	2,000	2,500
Minimum Lot Width at Setback Line per Dwelling Unit (feet)	75	40	45	Interior Unit: 20 Corner Unit: 40	80 [i]
Minimum Yards (feet)					
Front	35	35	35	25	25

Side	10	10	10	Corner Unit One Side Yard: 20	20
Rear	25	25	25	25	25
Minimum Building Spacing (feet)	Na	Na	Na	30	30
Maximum Number of Units per Building	na	na	na	6 [ii]	16

-----  
[i] Minimum lot width per building  
[ii] Maximum number of attached townhouses  
-----

- (2) Nonresidential Requirements: The permitted nonresidential uses, neighborhood service center and/or institution center and places of assembly as described in Section 305.B., shall meet the following area and dimensional requirements.
- (a) The provision of nonresidential uses is an option, which may be incorporated to serve the residential community. The nonresidential uses shall be sized to meet the needs of the immediate neighborhood.
  - (b) Nonresidential uses shall be grouped together either as one single parcel or on individual lots.
    - 1. The nonresidential use option may be fulfilled by a single institutional use and/or place of assembly or a combination of different types of land use, that is: neighborhood center uses, institutional center uses and places of assembly.
    - 2. Under no circumstances shall the combination of uses exceed the maximum nonresidential use provisions set forth in Section D., Table 305-1.
    - 3. Neighborhood service centers shall include a combination of different uses listed in Section 305.B and in accordance with Table 305-3.
  - (c) Neighborhood service center uses shall follow the standards provided on Table 305-3. Buildings in the neighborhood service center may be either detached (a building no attached to any other building) or attached (a row of buildings attached to each other by one or more common vertical walls, where the row is designated an attached building).
  - (d) Institutional center and places of assembly uses shall follow the standards provided on Table 305-4. Buildings in the institutional center and place of assembly may be either detached (as building not attached to any other

building) or attached (a row of buildings attached to each other by one or more common vertical walls, where the row is designated an attached building).

All off-street parking shall be in the rear yards.

Nonresidential use design shall include the following when developing a neighborhood service center, institutional centers and places of assembly or combination thereof:

1. A unified layout served by common on-site parking, ingress and egress access drives and stormwater control facilities in accordance with the Berwick Township Subdivision and Land Development Ordinance and the Berwick Township Stormwater Management Ordinance.
2. Comprehensive signage plan including development identification, individual building identification, pedestrian crossing, parking and directional signage.
3. Unified lighting plan.
4. An internal pathway system to provide access to all buildings, open space areas, parking areas and residential neighborhoods.

A unified building design concept shall be considered when developing a neighborhood service center, institutional centers and places of assembly or combination thereof. The design generally relates to the scale and design features of the surrounding residential community and contains the following elements.

1. Diversity in roof types and roof-line offsets.
2. Variety of building heights not to exceed the maximum height.
3. Diversity in the horizontal length of building through the introduction of offset at irregular intervals along the façade of buildings.

**Table 305-3  
NEIGHBORHOOD SERVICE CENTER: AREA AND DIMENSIONAL  
REQUIREMENTS**

<b>Regulation</b>	<b>Requirement</b>	
	<b>Detached Buildings</b>	<b>Attached Buildings</b>
Minimum Lot Area (sq. ft.) per Building	2,500	5,000
Maximum Lot Area (sq. ft.) per Building	16,000	na
Maximum Floor Area (sq. ft.) per Use	3,000	3,000
Minimum Lot Width at Setback Line (feet) per Building	30	60
Yards (feet)		
Maximum Front	10	10
Minimum Side	5	5
Minimum Rear	50	50
Maximum Building Height (feet)	35	35
Minimum Building Spacing (feet)	na	15

**Table 305-4  
INSTITUTIONAL CENTER AND PLACES OF ASSEMBLY: AREA AND  
DIMENSIONAL REQUIREMENTS**

<b>Regulation</b>	<b>Requirement</b>	
	<b>Detached Buildings</b>	<b>Attached Buildings</b>
Minimum Lot Area (sq. ft.) per Building	10,000	5,000
Maximum Floor Area (sq. ft.) per Use	na	3,000
Minimum Lot Width at Setback Line (feet)	80	60
Yards (feet)		
Maximum Front	25	10
Minimum Side	15	na
Minimum Rear	55	55
Maximum Building Height (feet)	35	35
Maximum Height for Steeples or Decorative Towers	75	na
Minimum Building Spacing (feet)	na	15

- (3) Street Configuration: All lots shall be provided access by an interior street network.
- (4) Buffers and Screening Requirements:
  - (a) A planted buffer in accordance with Article 6, Section 604 of this Ordinance and the Berwick Township Subdivision and Land Development

Ordinance shall be provided at the following locations and to separate the following uses:

1. Tract perimeter, except where the tract abuts another residential planned community or an R-3 tract of twenty-five (25) acres or greater and continuity of design is desired.
  2. Single family attached and multiplex dwellings from single family detached and single family semi-detached dwellings.
  3. Nonresidential uses from residential uses.
  4. Parking lots from single family detached and single family semi-detached uses.
- (b) A fifty foot buffer shall be required where the tract abuts an agriculture use outside the R-3 District.
- (c) The buffer areas may be calculated as part of the common open space areas.
- (5) Existing tracts as of the effective date of this Ordinance which are less than twenty-five (25) acres shall have the option to develop either as a small planned community in accordance with the requirements of Section 305 herein, or as a single family detached residential development with the requirements of the Residential Low Density District (R-1), Section 303.
- (6) Open Space and Recreation Area Requirements: Open space and recreation shall be provided in accordance with the requirements below and designed in accordance with the Berwick Township Subdivision and Land Development Ordinance.
- (a) All designated open space areas whether in open space or recreation, buffer or resource protection areas shall be considered common open space and shall meet the maintenance and management requirements of Article 6, Section 611. Golf courses may be owned and maintained privately.
  - (b) Seventy-five (75) percent of the dwelling units within the tract shall abut an open space or recreation area as defined in this Ordinance.
  - (c) The recreation area requirement shall be met for all planned residential communities by linear parks in the form of hiker / biker trails for passive recreation, active recreation areas in the form of neighborhood recreation centers or tot lots, or a combination thereof as defined and described in the Berwick Township Subdivision and Land Development Ordinance. Golf

courses may fulfill up to seventy (70) percent of the maximum recreation and open space requirement; however, the resource protection areas shall not be excluded.

F. Site Plan and Site Capacity Calculations: To meet the natural resource protection standards of the Berwick Township Subdivision and Land Development Ordinance and the site capacity calculations for the residential community, the following information is required at the time of the application of the subdivision or land development plan. A sketch plan submission is strongly recommended, although not required.

- (1) A site plan which illustrates the following:
  - (a) All natural resources as needed to develop the site capacity calculation, including the location of woodlands.
  - (b) All existing easements and utility right-of-way.
- (2) Site capacity calculations shall determine the maximum number of dwelling units or lots allowed per tract.
  - (a) For those developments which include nonresidential uses the maximum number may be a combination of dwelling units and nonresidential lot but under no circumstances shall the number of dwelling units plus nonresidential lots exceed the maximum number.
  - (b) The calculations on Table 305-5 shall be performed for each tract.

**Table 305-5  
SITE CAPACITY CALCULATIONS**

Calculation Description	Worksheet			
Step 1: Base site area — Subtract the total site area minus existing utility rights-of-way; and easements	Total Site Area			
			_____	acres
			- _____	acres
	Base Site Area = _____ acres			
	<b>Resource</b>	<b>Open Space Ratio</b>	<b>Acres of Land in Resources</b>	<b>Resource Protection Land</b>
Step 2: Land with resource restrictions and resource protection land — Multiply the resource open space ratio times resource acreage to calculate resource protection. Add all resource	Floodplains	100% x		=
	Wetlands	100% x		=
	Steep Slopes (20% or more)	80% x		
	Lake or pond			



protection land for resource protection land total. In the event that two or more resources overlap, only the resource with the highest open space ratio shall be used in the calculation	shorelines	70% x	=
	Wetland Margins	80% x	=
	Total		
Step 3: Standard minimum open space — Multiply base site area (Step 1) time minimum open space requirement (40%)	Base Site Area		acres
	Minimum open space ratio	x	40 percent
	Standard Open Space Ratio		
Step 4: Required Open Space — The greater acreage of the protection land (Step 2) and the acreage of minimum open space (Step 3)	Required open space	=	acres
Step 5: Net buildable site area — Subtract the required open space (Step 4) from the base site area (Step 1).	Base Site Area		acres
	Required open space	-	acres
	space Net buildable site area		acres
Step 6: Maximum number of dwelling units (5 units / acre)	Base site area		acres
	Maximum density for district	x	5 units/acre
	Maximum number of dwelling units permitted.		units

**§ 306. Limited Mixed Use District (LMU)**

**A.** Purpose: The intent of the Limited Mixed-Use District (LMU) is to:

- (1) Recognize the existing mixture of uses present along the Route 94 and Route 30 corridor and provide the continuation of a similar mixture of uses, including small businesses and professional offices; variety of residential types; and agriculture.
- (2) Base the density and intensity of development on the availability of public water and public sewer.
- (3) Ensure compatibility between uses through buffers and other site amenities.
- (4) Recognize the agriculture activities along the Route 94 corridor and provide for the continuation of these activities. Furthermore, it is recognized that Berwick Township is a rural community in Adams County. Fanning and agricultural activities are a large part of the heritage and character of this community. These existing farming characteristics are expected to change slowly overtime in the rural growth areas; therefore, it is acknowledged that these farming activities will be allowed to coexist in these areas until the time of tract development as a planned employment center.
- (5) Manage access to and from the corridor to protect public safety and develop regulations limiting the size, scale and range of uses to prevent commercial strip development.
- (6) Located development away from sensitive natural resources (e.g., wetlands, floodplains, steep slopes, woodlands, sinkhole prone areas and scenic views and vistas).
- (7) Implement the Land Use Plan of the Berwick Township Comprehensive Plan, in particular the Limited Residential Commercial Office classification.

**B.** Permitted Uses:

- (1) The following list establishes the uses permitted in the LMU Districts:

Type of Use	Type of Use: P=Permitted, SE=Special Exception, C=Conditional	Use Regulations
<b>Residential Uses:</b> Farm Dwelling	P	

Half-Way House	S E	Section 402
Residential Conversions	S E	Section 404
Single-Family Detached Dwellings		
Single-Family Semi-Detached Dwellings	P	
Two Family Dwelling Units	P	
Mixed Use Lots <i>(as amended by Ordinance 64 of 2006, § XV)</i>	S E	Section 451
<b>Agricultural Uses:</b>		
Animal Husbandry	P	Section 406
Crop Farming	P	
Forestry <i>(as amended by Ordinance 64 of 2006, § IV)</i>	P	
<b>Institutional Uses:</b>		
Educational Institutions	S E	Section 412
Cemeteries	P	
Places of Worship	P	Section 415
<b>Recreational Uses:</b>		
<b>Parks and Playgrounds</b>	P	
<b>Office Uses:</b>		
Business Office	P	
Financial Office	P	
Professional Office	P	
Veterinarian Facilities and Animal Hospitals	S E	Section 431
<b>Commercial and Industrial Uses:</b>		
<u>Daycare Center</u>	P	Section 422

Commercial Kennels	P	Section 419
Commercial Greenhouse and Nursery	P	Section 418
Cottage Industry	P	Section 421
Farmers Market	P	
Garden, Building, and Contractor Supply, provided that all materials and supplies are stored inside structures	P	
Personal Service Businesses, such as: barber, beautician, laundries, dry cleaning or custom tailoring, excluding adult businesses	P	
Riding Schools and/or Horse Boarding Stables.	P	Section 407
Restaurants, without drive-through facilities	P	
Retail Sales, limited to 3,000 square feet of gross floor area, excluding adult businesses	P	
Studios	P	
<b>Public Uses:</b>		
Public Services Office Uses	P	Section 441
Utilities		
Communication Antennas mounted on existing public utility towers or structures with communication equipment structures.	P	Section 440
Communications Towers	SE	Section 440
Public Utilities	P	Section 442
<b>Accessory Uses:</b>		
Accessory Use customarily incidental to the above uses	P	Section 601
No-Impact Home-Based Business <i>(as amended by Ordinance 64 of 2006, §</i>	P	Section 445

Bed and Breakfast Inn	P	Section 446
Garages and other Accessory Structures	P	
Granny Flat	P	Section 447
Home Occupations <i>(as amended by Ordinance 64 of 2006, § III)</i>	SE	Section 450
In-Home Day Care	P	
Permanent Roadside Stands for the sale of agricultural products	P	Section 448
Private Swimming Pools	P	Section 449
Temporary Roadside Stands	P	

- (2) All uses are permitted by right, conditional use or by special exception in these districts and as indicated in Section B(1) above under the strict conformance with the dimensional requirements and reference to specific, relevant sections of this Ordinance.
- (3) In addition, Articles 2, Definitions; Article 4, Use Regulations; Article 6, Supplementary Regulations; Article 7, Off-Street Parking and Loading Requirements; and Article 8, Sign Regulations are applicable. In addition to the Use Regulations (Article 4), special exception uses and conditional uses shall meet the general requirements of Article 9.
- (4) On principal residential or non-residential use shall be allowed per lot, with the exception of mixed-use lots.

C. Maximum Density:

- (1) Residential density shall be based on the availability of public water and public sewer facilities:
  - (a) Lot Served by Public Sewer and Public Water: Two (2) dwelling units per acre.
  - (b) Lots served by neither Public Sewer nor Public Water: One (1) dwelling unit per acre in accordance with Section 306.D. and Section 306.E. below. Density shall be increased, where necessary, to meet the area and dimensional requirements.

*(as amended by Ordinance 64 of 2006, § XVII)*

- (2) Non-residential lot and mixed-use lot density shall be in accordance with Sections 306.D. and Section 306.E. below in meeting the area and dimensional requirements.

D. Area Requirements: The area requirements are presented in Table 306-1, Area Requirements.

**Table 306-1.  
AREA REQUIREMENTS**

Regulation	Requirement by Type of Unit or Lot				
	Single-Family Detached	Single-Family Semi-Detached (duplex)	Two-Family Attached	Non-Residential Lot	Mixed Use Lot
Minimum lot area (sq. ft.) per dwelling unit, nonresidential lot or mixed-use lot, as follows: [i]					
Lots served by both public water and public sewer	20,000	16,000	10,000	43,560	43,560
Lot served by neither public water or public sewer	43,560	43,560	43,560	80,000	80,000

*(as amended by Ordinance 64 of 2006, § XVI)*

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 [1 ]Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes shall be increased to accommodate an approvable on-lot system.  
 -----

E. Dimensional Requirements:

1. Minimum lot width and front setback requirements shall be based on the functional roadway classification on which the lot fronts and as identified and defined in the Berwick Township Comprehensive Plan.

(a) Lots Fronting on Arterial, Major or Minor Collector Streets:

1. Minimum Lot Width for Residential Lots: One hundred (100) feet. The availability of public water or public sewer in these areas will not reduce the minimum lot width requirement.

2. Minimum Lot Width for Non-Residential Lots and Mixed-Use Lots: Two hundred (200) feet.

3. Minimum Front Yard Setback: Sixty (60) feet.

(b) Lots Fronting on Local Streets:

I. Minimum Lot Width for Residential Lots with Public Water and Public Sewer: Eighty-five (85) feet.

2. Minimum Lot Width for Residential Lots without Public Water or Public Sewer or both: One hundred (100) feet.

3. Minimum lot width for non-residential lots and mixed-use lots: One hundred (100) feet.

4. Minimum front yard setback: Fifty (50) feet.

(2) Minimum side and rear yard requirements:

(a) Side yard: Twenty (20) feet.

(b) Rear yard: Twenty-five (25) feet.

(<sup>3</sup>) Maximum lot coverage shall be fifty (50) percent.

(4) At least twenty (25) percent of the lot area shall be maintained with a vegetative cover and landscaping.

F. Site requirements for non-residential and mixed-use lots other than farm parcels. The following requirements are designed to minimize the potential for commercial strip development in coordination with the design requirements applied in the Berwick Subdivision and Land Development Ordinance.

(1) No parking shall be permitted to be placed between the building and any adjoining road right-of-way. Only landscaping, permitted signage, and permitted access driveways are permitted to be located between the building and any adjoining road right-of-way. Where a property is bounded by a road right-of-way on three (3) or more sides, or where the lot in question is a double frontage lot, this standard shall apply only to the road that serves as the primary frontage for the lot.

*(as amended by Ordinance 64 of 2006, § XVIII)*

(2) No parking shall be located within the minimum building setbacks established in Sections 306.E.

*(as amended by Ordinance 64 of 2006, sC XA9)*

- (3) Required parking shall be located to the rear of the principle structure on the lot. The parking lot shall be designed in accordance with the landscaping and buffering standards of the Berwick Township Subdivision and Land Development Ordinance.
- (4) Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view o any adjacent property and shall be at least six (6) feet high.
- (5) A buffer yard and screening in accordance with Section 604 of Article 6, Supplementary Regulations shall be provided at the lot line of all nonresidential properties abutting a residential use or district.

*(as amended by Ordinance 64 of 2006, § XIX)*

- G. Sharing of the access driveways and stormwater management and parking facilities are encouraged in accordance with the Berwick Township Subdivision and Land Development Ordinance, Berwick Township Stormwater Management Ordinance and with appropriate maintenance agreements established at the time of land development.

### **§ 307. Highway Commercial**

- A. Purpose: The intent of the Highway Commercial (HC) is to:

- (1) Provide areas within the Township, which are suitable locations for the development of commercial and business activities to provide a broad range of regional and local commercial activities and to diversify and expand the tax base.
- (2) Provide areas for these activities with direct access to the arterial roadways and sufficient existing or future carrying capacities to meet traffic demands.
- (3) Separate these higher intensity uses from the less intense residential uses and rural areas of the Township.
- (4) Establish these areas within the existing and future public sewer and water service area to the greatest extent possible.
- (5) Locate these areas away from sensitive natural resources (e.g., wetlands, floodplains, steep slopes, woodlands, and scenic views and vistas).
- (6) Coordinate adequate points of access, parking and stormwater management for contiguous commercial activities to avoid strip development and to consolidate properties.
- (7) Develop a common set of design standards to address parking, access, signage, lighting and landscaping.



- (8) Separate the development from the roadway right-of-way.
- (9) Implement the Land Use Plan of the Berwick Township Comprehensive Plan.

**B. Permitted Uses:**

- (1) The following list establishes the uses permitted in the HC Districts:

<b>Type of Use</b>	<b>Type of Use: P=Permitted, SE=Sp ecial Exception, C=Conditional</b>	<b>Use Regulations</b>
<b>Office Uses:</b>		
Business Office	P	
Financial Office	P	
Professional Office	P	
Public Service Office	P	
Veterinarian Facilities and Animal Hospitals	P	Section 431
<b>Commercial Uses:</b>		
Auction Houses	P	
Banks and Financial Institutions	P	
Businesses with drive-through facilities	SE	Section 417
Commercial Greenhouse and Nursery	P	Section 418
Convenience Stores	P	
Convenience Stores including fuel sales and vehicle fueling stations	SE	Section 420
Daycare Center	P	Section 422
Farmers Market	P	
Funeral Home	P	Section 423

Garden, Building, and Contractor Supply, provided that all materials and supplies are stored inside structures	P	
Grocery Stores	P	
Hotels and Motels	S E	Section 424
Personal Service Businesses, such as: barber, beautician, laundries, dry cleaning or custom tailoring, excluding adult businesses.	P	
Restaurants	P	
Retail Sales, excluding adult businesses	P	
Retail Warehouse Outlet	S E	Section 425
Shopping Centers	S E	Section 426
Studios	P	
Tavern	S E	Section 427
Vehicle Fueling Stations	S E	Section 428
Vehicle Sales, Service, Repair and Body Shop	P	Section 429
Vehicle Washing Facility	S E	Section 430
<b>Light Industrial Uses:</b>		
Bus Passenger Depots or Transfer Stations	P	
Mini- and Self-Service Storage Facilities	S E	Section 436
<i>(as amended by Ordinance 64 of 2006, § XXI</i>		
Printing, Lithographing and Publishing	P	
Scientific and Commercial Testing Laboratories	P	
Wholesaling, Warehousing and Storage, including incidental retail sales	P	

<b>Agricultural Uses:</b>		
Forestry <i>(as amended by Ordinance 64 of 2006, § Ili)</i>	P	
<b>Institutional Uses:</b>		
Outpatient Medical Facility	P	
Licensed Hospital	SE	Section 413
<b>Recreational Uses:</b>		
Commercial Indoor Recreation	P	
Commercial Outdoor Recreation	SE	Section 409
Membership Clubs or Fraternal Lodges	P	
Parks and Playgrounds	P	
<b>Public Uses:</b>		
Communication Antennas mounted on existing public utility towers, buildings or structures with communication equipment structures	P	Section 440
Communication Tower	SE	Section 440
Public Service Office Use	P	Section 441
Public Utilities	P	Section 442
<b>Accessory Uses:</b>		
Accessory Use and Structure customarily incidental to the above uses.	P	Section 601

- (2) All uses are permitted by right, conditional use or special exception in these districts and as indicated in Section 13(1) above under the strict conformance with the dimensional requirements and reference to specific, relevant sections of this Ordinance.
- (3) In addition, Articles 2, Definitions; Article 4, Use Regulations; Article 6, Supplementary Regulations; Article 7, Off-Street Parking and Loading Requirements; and Article 8, Sign Regulations are applicable. In addition to the

Use Regulations (Article 4), special exception uses and conditional uses shall meet the general requirements of Article 9.

- (4) No more than one principal use shall be allowed on each

lot. *(as amended by Ordinance 64 of 2006, § XXII)*

C. Area and dimensional requirements:

- (1) Minimum lot area shall be one (1) acre and minimum lot width shall be two hundred (200) feet. Where no public sewer exists, The Township Sewage Enforcement Officer shall analyze the results of soil percolation tests in accordance with the Berwick Township Subdivision and Land Development Ordinance. On the basis of this analysis, the minimum lot sizes and width shall be increased to accommodate an approvable on-lot sewage system.
- (2) Maximum lot coverage shall be sixty-five (65) percent.
- (3) Landscaping in the form of a planted lawn and shrubbery shall be required along the frontage of every lot except areas devoted to accessways. Landscaping shall extend toward the interior of the lot for a minimum distance of fifteen (15) feet from the right-of-way line of the adjacent roadway.

- (4) Minimum yard requirements:

- (a) Minimum front yard setbacks shall be based on the functional roadway classification on which the lots fronts as identified and defined in the Berwick Township Comprehensive Plan.

1. Lots fronting on arterial, major, or minor collector streets: Sixty (60) feet.
2. Lots fronting on local streets: Fifty (50) feet.

- (b) Side yard: Twenty (20) feet.

- (c) Rear yard: Twenty (20) feet.

D. Site requirements: The following requirements are designed to minimize the potential for commercial strip development in coordination with the design requirements applied in the Berwick Subdivision and Land Development Ordinance.

- (1) The parking lot shall be designed in accordance with the landscaping and buffering standards of the Berwick Township Subdivision and Land Development Ordinance.

- (2) Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be at least six (6) feet high.
- (3) A buffer yard and screening in accordance with Article 6, Supplementary Regulations shall be provided at the lot line of all nonresidential properties abutting a residential use or district.
- (4) The consolidation and sharing of off-street parking and stormwater management facilities and access drives is encouraged and shall meet the requirements of the Berwick Township Subdivision and Land Development Ordinance and the Berwick Township Stormwater Management Ordinance.
- (5) No parking shall be permitted to be placed between the building and any adjoining road right-of-way. Except for the area used for outdoor display of vehicles for sale to the public, only landscaping, permitted signage, and permitted access driveways are permitted to be located between the building and any adjoining road right-of-way. Where a property is bounded by a road right-of-way on three (3) or more sides, or where the lot in question is a double frontage lot, this standard shall apply only to the road that serves as the primary frontage for the lot.

*(as amended by Ordinance 68 of 10/19/2006)*

- (6) Where a new or expanded Office or Commercial use, as designated in the Permitted Use chart established in Section 307.B, is proposed with a gross floor area exceeding twenty-five thousand (25,000) square feet, the building shall comply with the design standards of Section 613.

*(as amended by Ordinance 64 of 2006, § XXIV)*

- (7) No parking shall be located within the minimum building setbacks established in Sections 307.0 (4).

*(as amended by Ordinance 64 of 2006, § XXV)*

**§ 308. Employment Center Districts (EC)**

A. Purpose: The intent of the Employment Center District (EC) is to:

- (1) Provide areas in the Berwick Township, which are suitable locations for the development of industrial and business activities.
- (2) Provide local and regional employment centers thus increasing tax base of the community.
- (3) Encourage the primary land use activity to be light manufacturing, warehousing and business parks; however, accommodate higher intensity industrial activities providing safeguards and buffering from less intense uses and understanding that few locations in the Township are suitable for the higher intensity industrial uses

due to the environmental features of the Pigeon Hills, groundwater supply limitations, the lack of public water and public sewer and inadequate roadway systems to carrying heavy loads of higher volumes of truck traffic.

- (4) Locate these areas with direct access to arterial roadways as classified in the Berwick Township Comprehensive Plan.
- (5) Locate these areas, generally, within or with reasonable expectation of being within the public water and sewer service area.
- (6) Locate these areas away from sensitive natural resources; that is, wetlands, floodplains, steep slopes, woodlands, and scenic views and vistas.
- (7) Prohibit any use, which would substantially interfere with the development, continuation or expansion of the employment center in the District.
- (8) Establish reasonable standards for the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration and fire and safety standards.
- (9) Implement the employment center land use goals, objectives and policies of the Berwick Township Comprehensive Plan.

**B. Permitted Uses:**

- (1) The following list establishes the uses permitted in the EC Districts:

<b>Type of Use</b>	<b>Type of Use: P=Permitted SE=Special Exception C=Conditional</b>	<b>Use Regulations</b>
<b>Light Industrial Uses:</b>		
Bus Passenger Depots or Transfer Stations	P	
Industrial / Business Park	SE	Section 432
Mini- and Self-Storage Facilities <i>(as amended by Ordinance 64 of 2006, § XXVI)</i>	SE	Section 436
Printing, Lithographing and Publishing	P	
Scientific and Commercial Testing Laboratories	P	
Wholesaling, Warehousing and Storage, including incidental retail sales	P	

<b>Heavy Industrial Uses:</b>		
Junkyard	C	Section 433
Manufacturing, Processing or Production of Goods	P	
Mineral Recovery Operations	S E	Section 435
Recycled Materials Collection and Processing	S E	Section 437
Sanitary Landfill or Incinerator	S E	Section 438
Truck Terminals	S E	Section 439
<b>Commercial / Office Uses:</b>		
Adult Businesses	C	Section 416
Professional Offices	P	
<b>Agricultural Uses:</b>		
Forestry <i>(as amended by Ordinance 64 of 2006, § IV)</i>	P	
<b>Recreational Uses:</b>		
Parks and Playgrounds	P	
<b>Public Uses:</b>		
Public Service Office Uses	P	Section 441
<b>Utility Uses:</b>		
Communications Antenna mounted on existing public utility towers or structures with communication equipment structures	P	Section 440
Communication Tower	S E	Section 440
Public Utilities	P	Section 444

<b>Accessory Uses:</b>		
Accessory Uses customarily incidental to the above permitted uses	P	Section 601

- (2) All uses are permitted by right, conditional use or special exception in these districts and as indicated in Section B(1) above under the strict conformance with the dimensional requirements and reference to specific, relevant sections of this Ordinance.
  - (3) In addition, Articles 2, Definitions; Article 4, Use Regulations; Article 6, Supplementary Regulations; Article 7, Off-Street Parking and Loading Requirements; and Article 8, Sign Regulations are applicable. In addition to the Use Regulations (Article 4), special exception uses and conditional uses shall meet the general requirements of Article 9.
  - (4) One principal use shall be allowed per lot with the exception of business and industrial parks.
- C. Area and dimensional requirements for lots other than business and industrial parks. Business and industrial parks shall meet the requirements of Section 432.
- (1) Minimum lot area shall be three (3) acres and minimum lot width shall be two hundred-fifty (250) feet. Where no public sewer exists, the Township Sewage Enforcement Officer shall analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes and width shall be increased to accommodate an approvable on-lot sewage system.
  - (2) Maximum lot coverage shall be seventy-five (75) percent.
  - (3) Minimum setback requirements:
    - (a) Minimum front yard setbacks shall be based on the functional roadway classification of which the lots fronts as identified and defined in the Berwick Township Comprehensive Plan.
      - 1. Lots fronting on arterial, major, or minor collector streets: One hundred (100) feet.
      - 2. Lots fronting on local streets: Seventy-five (75) feet.
    - (b) Side and rear yard: Forty (40) feet
      - 1. Where the lot abuts a district other than an EC or HC, the setback shall equal one hundred (100) feet.



2. Where a heavy industrial use abuts a use other than heavy industrial within an EC district, the setback shall equal one hundred (100) feet.

(c) Buffer yard:

1. A buffer yard and screening shall be required along all property lines abutting districts or uses other than EC or HC and where heavy industry abuts a use other than heavy industry in the EC district in accordance with the Berwick Subdivision and Land Development Ordinance.
2. Parking lots, loading areas and outdoor storage may be utilized in the buffer in accordance with Article 6, Supplementary Regulations and Article 7, Off-Street Parking and Loading Requirements; however, no structure or parking lot shall be closer than fifty (50) feet of a residential area or use.

- (4) Landscaping in the form of a planted lawn and shrubbery shall be required along the frontage of every lot except areas devoted to accessways. Landscaping shall extend toward the interior of the lot for a minimum distance of fifteen (15) feet from the right-of-way line of the adjacent roadway.

(5) Maximum height of buildings or structures:

- (a) Fifty (50) feet.

- (b) Non-habitable structures over fifty (50) feet shall be allowed only after meeting the following requirements and shall not exceed sixty (60) feet:

1. The Berwick Township Emergency Management Coordinator shall review the proposed plans with the emergency services providers to determine that the structure does not present a safety or public risk.
2. Yard setbacks and setbacks between structures shall be increased by one (1) foot for each one (1) foot the structure exceeds fifty (50) feet.

D. Shared infrastructure: The consolidation and sharing of off-street parking, stormwater management facilities and access drives is encouraged and shall meet the requirements of the Berwick Township Subdivision and Land Development Ordinance.

E. Environmental standards: All environmental and performance standards to minimize harmful or nuisance effects that may be associated with industrial uses shall be met as set forth in Article 6, Supplementary Regulations, Section 609, Performance Standards.

F. Site requirements: The following requirements shall be met in coordination with the design requirements applied in the Berwick Subdivision and Land Development Ordinance.

- (1) Parking lots shall be designed in accordance with the landscaping and buffering standards of the Berwick Township Subdivision and Land Development Ordinance.
- (2) Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be at least six (6) feet high.
- (3) The consolidation and sharing of off-street parking and stormwater management facilities and access drives is encouraged and shall meet the requirements of the Berwick Township Subdivision and Land Development Ordinance and the Berwick Township Stormwater Management Ordinance.
- (4) Where a new or expanded Light Industrial or Commercial / Office use, as designated in the Permitted Use chart established in Section 308.B, is proposed with a gross floor area exceeding twenty-five thousand (25,000) square feet, the building shall comply with the design standards of Section 613.

*(as amended by Ordinance 64 of 2006, § XXVII)*



**ARTICLE 4**  
**USE REGULATIONS**

**§ 400. Purpose**

The purpose of this Article is to supplement Article 3 with additional requirements applicable to specific uses regardless if these uses are permitted by right, conditional use or special exception.

**Residential Uses:**

**§ 401. Cluster Residential Lots**

A. Lot Requirements:

- (1) Minimum lot size: Twelve thousand (12,000) square feet.
- (2) Maximum lot size: One (1) acre.
- (3) Minimum lot width: Seventy-five (75) feet.

B. Minimum Setbacks:

- (1) Front yard: Thirty (30) feet measured from the street line or access drive right-of-way.
- (2) Side yard: Ten (10) feet measured from the side property line.
- (3) Rear yard: Forty (40) feet measured from the rear property line.
- (4) Cluster group: Each cluster grouping shall be setback one hundred-fifty (150) feet from any street with a functional roadway classification of arterial, major collector or minor collector as identified in the adopted Berwick Township Comprehensive Plan.

C. Maximum number of lots per clustering grouping: Twelve (12) lots in the RC Districts and twenty-five lots in the RR and R-1 Districts.

D. Open space requirement: Seventy-five (75%) of the land area of the parent tract in accordance with Section 610 and 611 herein.

E. Location on the parent lot:

- (1) Residential lots shall, to the maximum extent feasible, be clustered in areas of the tract which are relatively free of sensitive environmental features including, but not limited to, floodplains, designated wetlands, slopes in excess of twenty (20) percent, and areas of concentrated prime agricultural soils.

- (2) Disturbance to existing woodland, hedgerows, mature tree stands, and other significant vegetation shall be minimized, wherever feasible.
  - (3) Each lot shall be located contiguous to open space on one property line.
- F. Access to the lots. Access shall be provided from interior roads and/or private shared access drives rather than from existing road along the periphery of the tract being subdivided.
- G. Waste water management. An approved community sewage system or acceptable alternative shall be provided for the cluster subdivision in accordance with rules and regulations of the Pennsylvania Department of Environmental Protection and the Berwick Township Sewage Enforcement Officer.

#### **§ 402. Halfway House**

- A. A halfway house must be licensed where required by an appropriate governmental agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to **the** Township prior to beginning the use.
- B. A halfway house shall be directly affiliated with a parent institution or organization who shall provide full-time supervision and administration to the residents of the house.
- C. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- D. The residents of the halfway house shall reside on-premises to benefit from the services provided.
- E. Necessary permits for water supply and sanitary waste disposal must be obtained.
- F. A minimum of one (1) off-street parking space shall be provided for each three (3) residents of the halfway house and one (1) parking space for each staff on **the** largest shift.
- G. Each Special Exception application shall be accompanied by a statement describing the following:
  - (1) The character of the halfway house.
  - (2) The policies and goals of the halfway house, and the means proposed to accomplish those goals.
  - (3) The characteristics of the residents and the number of residents to be served.

- (4) The operating methods and procedures to be used.
  - (5) Any other facts relevant to the proposed operation of the halfway house.
- H. Any Special Exception granted for the halfway house shall be bound to the type and number of offenders listed on the application. Any change in the type or number of residents being housed shall require a new Special Exception.

**§ 403. Mobile Home Parks**

- A. Mobile home park developments shall meet all applicable provisions of the Berwick Township Subdivision and Land Development Ordinance, Article IX Mobile Homes and Mobile Home Parks.
- B. Area and dimensional requirements:
- (1) The minimum site area shall be ten (10) acres.
  - (2) The base density shall not exceed six (6) units per acre.
  - (3) Minimum lot size per mobile home shall be seven thousand (7,000) square feet.
  - (4) Minimum lot width at the front setback line shall be seventy (70) feet.
  - (5) The following minimum building setbacks (feet) requirements **shall** be met:
    - (a) Mobile homes in parks shall be located at least seventy (70) feet from the centerline of any abutting public local street and eighty (80) feet from the centerline of any abutting arterial or collector street.
    - (b) A minimum distance of twenty-five (25) feet shall be required between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street, or common parking area or other common areas and structures.
    - (c) Mobile homes shall be located at least fifty (50) feet from any park property line and at least ten (10) feet from any side or rear mobile home lot line.
    - (d) Mobile homes, including any additions or accessory structures attached thereto, shall be separated from each other and from other buildings by at least twenty (20) feet on all sides.
- C. All mobile home parks shall be served by public or community water and sanitary sewer system.

- D. All mobile home units shall have direct access to an interior roadway system. No unit shall front on an exterior roadway.
- E. The Zoning Hearing Board may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguard to the use of the land for a mobile home park as the Board may deem necessary to protect the general welfare.
- F. A traffic study shall be required.

#### **§ 404. Residential Conversions**

- A. No structural alteration of the building exterior shall be made, except as necessary for the purposes of safety.
- B. Conversions to dwelling units shall be allowed in accordance with the following:
  - (1) In the RC, RR and R-1 districts, nonresidential use buildings shall be allowed to convert to one dwelling unit.
  - (2) In R-2 and LMU districts, single-family detached residential and nonresidential buildings shall be allowed to convert to a total of two dwelling units.
- C. Such conversion shall be authorized generally for large buildings that have little economic usefulness as a single-family detached dwelling or for other conforming uses erected prior to the effective date of this Ordinance.

#### **Agricultural Uses**

##### **§ 405. Agribusiness Operation**

- A. **Minimum** lot size shall be fifty (50) acres.
- B. Structures housing the agribusiness operation shall meet the following minimum setback requirements:
  - (1) Minimum yard requirements.
    - (a) Front: Two hundred (200) feet.
    - (b) Side and rear: One hundred (100) feet.
  - (2) Minimum setback requirements from any dwelling or water well not owned by the owner of the agribusiness operation: Five hundred (500) feet.
  - (3) Minimum setback from any church or school: Five hundred (500) feet.

- C. Location of any manure storage facility shall be in accordance with the setback requirements established by the Pennsylvania Manure Management Law.
- D. Maximum lot coverage shall not exceed ten (10) percent.
- E. Prior to the special exception or conditional use hearing, applicants, who area required to have Nutrient Management Plan in accordance with the Pennsylvania Manure Management Law, shall demonstrate that such Plan has been prepared and submitted to Adams County Conservation District for review. No Certificate of Occupancy shall be issued until such Plan has received the approval of the Conservation District.
- F. A water supply feasibility report shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use. The report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed agribusiness operation. The report shall be prepared by a licensed hydrogeologist.
- G. The applicant shall demonstrate to the satisfaction of the decision making body that it methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.

#### **§ 406. Animal Husbandry**

- A. The use regulations shall apply to new buildings utilized to house animals created after the effective date of this Ordinance.
- B. All buildings housing animals shall be setback as follows:
  - (1) Minimum yard requirements.
    - (a) Front: Two hundred (200) feet.
    - (b) Side and rear: One hundred (100) feet.
  - (2) Minimum setback requirements from any dwelling or water well on adjacent property: Two hundred (200) feet.
  - (3) Minimum setback from any church or school: Two hundred (200) feet.

#### **§ 407. Riding Schools and/or Horse Boarding Stables**

- A. Any structure used for the boarding of horses shall be setback at least two hundred (200) feet from any property line.



- B. All stables shall be maintained so to minimize odors perceptible at the property line.
- C. All outdoor training or show facilities or areas shall be setback one hundred (100) feet from all property lines.
- D. All outdoor training, show, riding or boarding areas shall be enclosed by a minimum four (4) foot-high fence, which will be located at least ten feet from all property lines.
- E. All parking lots and unimproved overflow parking areas shall be setback at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall be marked to delineate occasional parking facilities.

**Recreational Uses:**

**§ 408. Campgrounds and Facilities**

- A. A minimum lot area of fifteen (15) acres shall be provided with a maximum impervious coverage of twenty-five (25) percent.
- B. All buildings, structures, parking areas and campsites shall be located at least seventy-five (75) feet from any side or rear property line and at least one hundred (100) feet from any public street right-of-way line.
- C. Each campsite shall be at least one thousand (1,000) square feet in size and shall either provide parking space for one (1) automobile, which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.
- D. An internal road system shall be provided in accordance with the Berwick Subdivision and Land Development Ordinance.
- E. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- F. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from any adjoining residential property.
- G. Accessory retail or service commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels used for residential purposes.

- H. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or major collector roadway as defined in the Berwick Comprehensive Plan.
- I. A minimum of twenty (20) percent of the gross area of the campgrounds shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.
- J. During operation every campground shall have an office in which shall be located the person responsible for the operation of the campground.
- K. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection (PADEP). All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public street.

**§ 409. Commercial Outdoor Recreation**

- A. Sufficient screening and/or landscaping in accordance with the Berwick Township Subdivision and Land Development Ordinance or as determined by the Zoning Hearing Board shall be provided to mitigate visual and/or audible impacts on adjoining properties.
- B. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
- C. Required off-street parking will be determined upon the types of activities proposed and the schedule listed in Article 7, Off-Street Parking and Off-Street Loading, Section 702.
  - (1) The Zoning Hearing Board may require a suitable, sod grassed overflow parking area to be provided for peak use periods.
  - (2) Overflow parking areas shall be accessible only from interior driveways of the permanent parking lot.
  - (3) Overflow parking shall contain screening and/or fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- D. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods.
- E. Any outside pedestrian waiting lines shall be provided with a means of shade.

## § 410. Golf Courses

- A. The minimum lot area shall be not less than: Forty-five (45) acres for a par 3, 18 hole golf course; sixty (60) acres for a nine hole or executive golf course; and one hundred (100) acres for a regulation 18 hole course.
- B. The course shall be designed so that golf balls will not be driven over or across any building, building lot, road, access drive, driveway or parking lot. In addition, the golf course design shall minimize the cart path crossing of streets.
- C. Minimum setback requirements for fairways, greens and buildings:
  - (1) Fairways and greens shall be setback a minimum of:
    - (a) One hundred and fifty (150) feet from any residential structures or residential lots. For undeveloped residential lots abutting the golf course, the one hundred fifty (150) feet setback shall be measured from the rear yard setback line of the abutting property.
    - (b) Fifty (50) feet from any nonresidential lot line of an adjoining property or the existing street right-of-way line.
    - (c) All golf course buildings and structures shall be set back two hundred fifty (250) feet from any exterior lot line.
- D. Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
- E. No outdoor storage of golf carts or maintenance equipment shall be permitted.
- F. A golf course may include the following accessory uses:
  - (1) A clubhouse with a pro shop, offices, restaurant/snack bar, game room, and childcare room.
  - (2) Golf cart maintenance and equipment storage and service facilities.
  - (3) Practice putting greens and driving range, without outdoor lighting.
- G. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences and from adjoining streets in accordance with the Berwick Township Subdivision and Land Development Ordinance.

**§ 411. Outdoor Trap, Skeet, Rifle, Pistol or Archery Range**

- A. Minimum lot area: Ten (10) acres.
- B. Minimum lot width: Three (300) feet.
- C. The land development plan shall show the shot fall zone in accordance with the National Rifle Association (NRA) guidelines for various types of ranges (NRA Range Development Manual). Adjacent areas must be predominantly undeveloped and the range area must be at least two hundred (200) feet from any property or street right-of-way line or in accordance with the shot fall zone and the guidelines of the NRA.
- D. The shot fall zone must also be located at least 1,000 feet from any property lines.
- E. An earthen background berm must be provided within twenty (20) feet of the farthest target post to prevent wild or ricocheting bullets or wild or stray arrows. The berm shall meet the following requirements:
  - (1) The berm shall have a slope of not less than one (1) vertical to two (2) horizontal and must extend at least eight (8) feet above the ground level of the highest target.
  - (2) The crest of the berm at the eight (8) foot minimum height shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall.
  - (3) Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm.
- F. Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
- G. Warning signs must be posted at least ten (10) feet from the outside of the berm of sufficient size to be read outside the shot fall zone.
- H. The firing range shall be free of gravel and other hard surface materials and be adequately drained.
- I. Adult supervision must be provided for children under sixteen (16) years of age.
- J. The Zoning Hearing Board may require an NRA Range Evaluation by an NRA site assessment team prior to range development.
- K. Hours of operation shall be limited for traps, skeet, rifle and pistol ranges to daylight hours, Monday through Saturday, with no Sunday operations.

**Institutional Uses:**

**§ 412. Educational Institutions**

- A. Educational institutions include religious, non-sectarian, denominational, private or public schools that are not conducted as a private gainful business.
- B. The minimum lot size shall be two (2) acres.

**§ 413. Licensed Hospital**

- A. Minimum lot area: Ten (10) acres.
- B. Public sewer and water shall be required.
- C. Emergency entrances shall be located on a building wall facing away from adjoining residential uses or zoned property.
- D. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.
- E. A traffic study is required.

**§ 414. Nursing / Assisted-Living Homes**

- A. A lot area of not less than one (1) acre or two thousand (2,000) square feet per resident, whichever is greater, shall be provided.

**§ 415. Places of Worship**

- A. The minimum lot size shall be two (2) acres.
- B. The following uses shall be permitted accessory uses to a place of worship and shall be conducted on the same lot:
  - (1) Daycare centers in accordance with Section 422.  
*(as amended by Ordinance 64 of 2006, § XXVIII)*
  - (2) Preschools or kindergartens.
  - (3) Administrative and counseling offices.
  - (4) Related recreational facilities.
  - (5) Cemeteries.

- C. Other activities shall be considered principal uses and permitted only if the district in which such use is proposed so permits.

**Commercial Uses:**

**§ 416. Adult Businesses**

- A. Adult businesses must meet the regulations of the Berwick Township Ordinance 5 referring to the licensing and general regulation of the sale of pornography, in addition to the requirements listed below.
- B. The lot of such business shall not be located within 500 feet of any residence, residential area, or residential zoning district.
- C. The lot of such business shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, daycare center or public library.
- D. The lot of such business shall not be located within 1,000 feet of another adult oriented business.
- E. No material, merchandise, film or service offered for sale, rent, lease, and loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure or that can be seen from the exterior of the building.
  - (1) Any building or structure used and occupied as an adult regulated facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed.
  - (2) No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- F. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an adult regulated facility restricting persons under the age of eighteen from entrance.
- G. No unlawful sexual activity or conduct shall be performed or permitted.
- H. The following shall be prohibited. Any use or activity prohibited by Section 503 of the Pennsylvania Crimes Code as amended and further defining the offense of obscenity, redefining obscene and further providing for injunctions.

**§ 417. Businesses with Drive-Through Facilities**

- A. A site circulation plan shall be devised that separates those patrons utilizing drive through service from those patrons utilizing indoor facilities. The plan shall show the following information:
  - (1) Location and dimensions of all structures.
  - (2) Location and access to the drive-through service.
  - (3) Location and dimension of parking, landscaping areas and signage.
  - (4) Description of internal circulation and external access.
- B. Drive-through lanes shall accommodate a minimum of eight (8) vehicles waiting to utilize the drive-through service and shall be situated to prevent vehicles from queuing onto adjoining roadways.
- C. All drive-through window lanes shall be clearly marked and separated from the parking lot's interior driveways.
- D. Exterior microphone/speaker system shall be arranged or screened to prevent objectionable noise impact on surrounding properties.
- E. The drive through facility, including service windows and intercom, and the driveway, shall be located along either the side or rear face of the business with drive through service.  
*(as amended by Ordinance 64 of 2006, § XXIX)*
- F. A buffer yard/screen planting shall be maintained along all property lines abutting a residential uses or district in accordance with the Berwick Township Subdivision and Land Development Ordinance.

**§ 418. Commercial Greenhouse and Nursery**

- A. All use shall have direct access to a collector or arterial roadway as identified in the Berwick Township Comprehensive Plan.
- B. Buffering shall be required adjacent to residential property lines or zones in accordance with the Berwick Township Subdivision and Land Development Ordinance.

**§ 419. Commercial Kennels**

- A. All kennels shall be licensed by the Commonwealth of Pennsylvania and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part 11, Chapter 21 entitled, General Provisions; Kennels; Licensure; Dog-Caused Damages, as amended.

- B. All buildings in which animals are housed and all runs shall be located at least two hundred (200) feet from all lot lines. Animals shall be allowed in outside runs during daylight hours only.
- C. Animal wastes regularly shall be cleaned up and properly disposed.
- D. A buffer yard/screen planting shall be maintained along all property lines abutting a residential use or district in accordance with the Berwick Township Subdivision and Land Development Ordinance.

**§ 420. Convenience Stores (including fuel sales and vehicle fueling stations)**

- A. A site circulation plan shall be devised that separates those patrons waiting for fueling service from those patrons awaiting other services. The plan shall include the following information:
  - (1) Location and dimensions of all structures and fuel pumps.
  - (2) Location and dimension of parking, landscaping areas and
  - (3) signage. Description of internal circulation and external access.
- B. Parking shall not be permitted between the main entrance of the store and the refueling bays.
- C. Minimum fuel pump setbacks shall be:
  - (1) Twenty (20) feet from the front yard setback line.
  - (2) Thirty (30) feet from all parking areas.
- D. Minimum width at the building setback line shall be two hundred fifty (250) feet.
- E. A buffer yard/screen planting of no less than ten (10) feet in depth shall be maintained along all property lines abutting a residential use.

**§ 421. Cottage Industry**

- A. Cottage industry shall include but not be limited to the following uses provided the standards of this Section are met:
  - (1) All uses listed under accessory home office uses, Section 445.
  - (2) Woodworking and furniture shops.



- (3) Automobile repair shops.
- (4) Farm-related businesses.
- B. The cottage industry must be conducted completely within the dwelling unit or an accessory structure.
- C. There shall be not exterior storage of materials, equipment, vehicles, or other supplies to be used in conjunction with the cottage industry.
- D. Not more than thirty-five (35) percent of the habitable floor area of the dwelling unit, excluding attached accessory structures, shall be utilized for the cottage industry. Attached structures, including garages and/or detached accessory structures, may be used for the cottage industry.
- E. Articles sold or offered for sale shall be limited to those produced on the premises, sold as part of a home part sales operation, or for a licensed distributorship conducted by the resident.
- F. There shall be no exterior indications of the cottage industry or variation of the residential character of the main building.
- G. The cottage industry shall not cause any external impact such as increased noise, excessive light, or offensive odor.
- H. The cottage industry is to be conducted only by members of the family residing in the dwelling unit plus no more than two (2) non-resident assistants or employees.
- I. One unanimated, non-illuminated flat sign having an area of not more than four (4) square feet shall be permitted on each street front of the lot.
- J. A cottage industry including studios or rooms for instruction shall provide all necessary parking off-street.
- K. Delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle shall not exceed two (2) trips per week and the deliveries shall not restrict traffic circulation.

**§ 422. Daycare Center**

- A. Facility operators shall be responsible for meeting all State and Federal licensing and registration requirement and shall provide proof of compliance.
- B. Outdoor play area shall be provided for child day care centers meeting the following requirements: (Outdoor area is not required for adult centers.)

- (1) The outdoor activity or play area shall not be located in the front yard.
  - (2) The outdoor activity or play area shall be enclosed by a four (4) feet high fence.
  - (3) Off-street parking areas shall not be utilized as outdoor activity or play areas.
- C. Passenger "drop-off" and "pick-up" areas shall be provided on site.

**§ 423. Funeral Home**

- A. Public sewer and public water shall be required.
- B. A one hundred (100) foot off-street stacking area for the formation of the funeral procession shall be provided on the site. No funeral procession will be allowed to form on public streets.

**§ 424. Hotel and Motel**

- A. The following bulk and area requirements shall be met:
- (1) A minimum lot area: Five (5) acres.
  - (2) Maximum impervious ground coverage of the lot: Sixty-five (65) percent.
  - (3) All buildings and structures shall be setback one hundred (100) feet from any property line or street right-of-way line.
- B. Buffer yard requirements:
- (1) A buffer yard of at least fifty (50) feet wide shall be provided where the site adjoins a residential use or zone.
  - (2) Screening shall be provided in accordance with the Berwick Township Subdivision and Land Development Ordinance.
  - (3) The buffer yard shall not be used for building, parking, loading or storage purposes.
- C. The lot shall have direct access to an arterial roadway as designated in the Berwick Township Comprehensive Plan.

**§ 425. Retail Warehouse Outlet**

- A. The use shall have direct access to an arterial roadway as designated in the Berwick Township Comprehensive Plan.

- B. The minimum lot size shall be ten (10) acres.
- C. The minimum lot width shall be five hundred (500) feet.
- D. Buffer yard requirements. A buffer yard of at least fifty (50) feet wide shall be provided where the site adjoins a residential use or zone.
  - (1) The buffer yard shall be naturally landscaped with screening in accordance the Berwick Township Subdivision and Land Development Ordinance.
  - (2) The buffer yard shall not be used for building, parking, loading or storage purposes.
- E. A traffic study shall be required.

**§ 426. Shopping Centers**

- A. The following bulk and area regulations shall be met:
  - (1) Minimum lot area: Three (3) acres.
  - (2) Minimum lot width: Three hundred (300) feet measured at the building setback line.
  - (3) Minimum number of contiguous uses: Eight (8) separate uses.
  - (4) Maximum lot coverage: Sixty-five (65) percent.
- B. Buffer yard requirements: A buffer yard of at least fifty (50) feet wide shall be provided where the site adjoins a residential use or zone.
  - (1) The buffer yard shall be naturally landscaped with screening in accordance the Berwick Township Subdivision and Land Development Ordinance.
  - (2) The buffer yard shall not be used for building, parking, loading or storage purposes.
- C. A shopping center shall be under unified management, which shall clearly establish centralized responsibility for the operation and maintenance of the project including all common areas.
- D. The planned shopping center shall be designed in accordance with a unified architectural theme. Similar and complimentary building dimensions, materials, and roof-lines shall be designed for all proposed uses within the planned shopping center.

- E. Access: Only one (1) ingress and one (1) egress point is permitted onto an arterial street as identified in the Berwick Township Comprehensive Plan.
- F. A site plan shall be submitted to the Zoning Hearing Board and shall include the following information:
  - (1) Location and dimensions of all structures.
  - (2) Location and dimension of parking, landscaping areas and signage.
  - (3) Description of internal circulation and external access.
- G. A traffic study shall be required.

**§ 427. Tavern**

- A. No tavern shall be located within three hundred (300) feet of any residence or residentially zoned lands.
- B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light, and/or litter.
- C. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- D. Buffer yard requirements:
  - (1) A buffer yard of at least fifty (50) feet wide shall be provided where the site adjoins a residential use or zone.
  - (2) Screening shall be provided in accordance with the Berwick Subdivision and Land Development Ordinance.
  - (3) The buffer yard shall not be used for building, parking, loading or storage purposes.

**§ 428. Vehicle Fueling Stations**

- A. A site circulation plan shall be devised and include the following information:
  - (1) Location and dimensions of all structures and fuel pumps.
  - (2) Location and dimension of parking, landscaping areas and signage.
  - (3) Description of internal circulation and external access.

- B. Parking shall not be permitted between the main entrance of the building and the refueling bays.
- C. Minimum fuel pump setbacks shall be:
  - (1) Twenty (20) feet from the front yard setback line.
  - (2) Thirty (30) feet from all parking areas.
- D. Minimum width at the building setback line shall be two hundred fifty (250) feet.
- E. A buffer yard/screen planting of no less than ten (10) feet in depth shall be maintained along all property lines abutting a residential use in accordance with the Berwick Township Subdivision and Land Development Ordinance.

**§ 429. Vehicle Sales, Service, Repair and Body Shop**

- A. No vehicle sales, services, repair and body shop shall be located within one hundred fifty (150) feet of any residence or residentially zoned lands, provided that the 150 foot setback may be reduced to 100 feet upon application for special exception by the Township Zoning Board. The following conditions must be satisfied to be granted the special exception approval:
  - (1) The land development plan must show that strict adherence to the 150 foot setback cannot be met due to inability to meet either front, side or rear setbacks adjacent to state or township roads because of required improvements to either state or township roads which improvements result in the front, side or rear setbacks being changed because of the improvements.
  - (2) A vegetated buffer shall be installed on the developed property to meet up to 20% of the stipulated setback on lot lines.
  - (3) Vegetated buffering may not interfere with Penn Dot's clear sight triangle.
  - (4) The reduced setback is limited to no more than 2 setback sides. *(as amended by Ordinance 68 of 10/19/2006)*
- B. All service and/or repair activities shall be conducted within a wholly-enclosed building.
- C. All exterior vehicle storage areas shall be screened from view of any adjoining residential use or district.
- D. If gasoline pumps are to be installed, all special exception requirements for a vehicle refueling stations shall be satisfied.

- E. Any use involving the generation of waste grease and/or oil shall be required to install traps to collect these waste products. Such uses shall also demonstrate a regular and proper means of disposal of such greases and/or oils, as required by applicable State and/or Federal regulations.
- F. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- G. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration and smoke.
- H. Stored and/or repaired vehicles shall remain no longer than sixty (60) days from the date of arrival.
- I. The demolition or storage of junked vehicles is prohibited.

**§ 430. Vehicle Washing Facility**

- A. All structures housing washing apparatus shall be set back at least fifty (50) feet from any street right-of-way line and twenty-five (25) feet from any property line.
- B. Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- C. Stacking lanes shall accommodate a minimum of eight (8) vehicles waiting to utilize the washing facility and shall be situated to prevent vehicles from queuing onto adjoining roadways.
- D. Public water and sewer shall be required.

**Office Uses:**

**§ 431. Veterinarian Facilities and Animal Hospitals**

- A. The primary use shall be the medical attention and professional care of small domestic animals.
- B. Boarding shall only be permitted for animals, which must have medical supervision. All boarding facilities shall be within a completely enclosed structure.
- C. All outside runs shall be located at least two hundred (200) feet from all lot lines. Animals shall be allowed in outside runs during daylight hours only.

- D. The accumulation and storage of manure or other odor producing substances shall not be permitted.
- E. Emergency entrances shall be located on a building wall facing away from adjoining residential uses or zoned property.
- F. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.

**Industrial uses:**

**§ 432. Industrial / Business Park**

- A. Industrial / business park support businesses.
  - (1) The following support uses are permitted in industrial and business parks when approved by the Zoning Hearing Board as a special exception.
    - (a) Retail establishments serving the needs of businesses or light industrial uses, including but not limited to, pharmacies, coffee shops, restaurants (excluding those with drive-through service), and new stands, excluding adult businesses.
    - (b) Service establishments serving the needs of businesses or light industrial uses, including but not limited to, automated bank machines, financial counseling services, fitness centers, and travel consultants, excluding adult businesses and drive-through service.
    - (c) Hotels, provided no hotel shall be located within one thousand five hundred (1,500) linear feet of any other hotel within the same industrial or business park.
  - (2) The industrial / business park support uses shall meet the following minimum standards in addition to standards set forth in this article for specific uses.
    - (a) The use(s) shall be oriented to the interior of the development and shall be visually screened from view of the abutting right-of-way.
    - (b) External identification signs shall not be permitted except where directories or kiosks list all uses within a development.
    - (c) Except for daycare, fitness centers and hotels, which may occupy a free standing structure, the approved special exception uses shall not take up more than twenty-five (25) percent of the first floor area of a primary structure devoted to permitted uses. All support uses shall be limited to the first floor of the structure.

- (d) Additional parking, buffering, or landscaping may be required for a special exception use by the Zoning Hearing Board when warranted.

B. Access.

- (1) Access shall be via an arterial or major collector road as identified in the Berwick Township Comprehensive Plan or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
- (2) Truck traffic going to and from the industrial park shall be permitted on nonresidential streets only.
- (3) Traffic entrances and exits shall be located three hundred (300) feet from residential uses to minimize truck traffic noise and vibration.
- (4) All internal streets shall meet Township specifications and the Berwick Township Subdivision and Land Development Ordinance and shall remain private unless accepted for dedication by the Township Board of Supervisors.

C. A traffic impact study shall be required.

D. Minimum tract area: Fifteen (15) acres.

E. Minimum tract width: Four hundred (400) feet.

F. Individual lots within the park shall have minimum setbacks as required for other uses in the EC Zone, Section 309.C(3). Additional minimum building setbacks shall be provided as following:

- (1) Interior drives: Twenty (25) feet.
- (2) Parking areas: Ten (10) feet.
- (3) Separation between buildings on the same lot: Forty (40) feet.

G. Maximum lot coverage shall be fifty (50) percent unless additional area is required for stormwater management facilities.

H. Appearance: The appearance of the industrial or business park shall be harmonious with adjoining properties. Features including, but not limited to, site landscaping, the siting of principal and accessory uses, building heights, property signage, and architectural styles shall be considered by the Zoning Hearing Board when evaluating this requirement. Relevant features shall be depicted in the site plan submitted with the application to the Zoning Hearing Board.

*(as amended by Ordinance 64 of 2006, § XXXI)*



- I. An infrastructure plan showing the adequate of water and sewer shall be required at the time of subdivision and land development.
- J. All site requirements set forth in Section 309 shall be met in addition to the following:
  - (1) All utility lines must be placed underground.
  - (2) Landscaping:
    - (a) Each structure and its parking or service area shall be separated from the adjoining public highway or street right-of-way by a curb and planting area, with a depth of no less than five (5) feet.
    - (b) A ten (10) foot minimum landscaped strip must be maintained between interior drives and parking areas.
    - (c) The subdivision and land development plan must show the landscaped areas including the size and variety of all proposed plantings.
- K. Areas held in common ownership:
  - (1) If any of the buffer areas, open spaces, street or parking areas are held in common ownership for the development, the developer or owner must submit a detailed statement including covenants, agreements or specific documents showing the ownership and method of maintenance, financial responsibility and utilization of the common areas within the development.
  - (2) The Township Solicitor shall review such documents to determine whether they adequately provide for the creation and maintenance of common areas.
  - (3) Such documents shall provide that any alteration or amendment to the agreements shall not be accomplished without the express review and consent of the Township.

### **§ 433. Junkyard**

- A. Maximum lot area: Twenty (20) acres.
- B. The junkyard facility shall meet all requirements as set forth in the Berwick Township Ordinance 5 and Ordinance 13, as amended.

### **§ 434. Lumber and Saw Mills**

- A. A minimum lot area of ten (10) acres is required.

- B. All machinery shall be located at least two hundred (200) feet from any adjacent property line.
- C. A waste management plan shall be required.
- D. The lot shall have direct access onto an arterial or collector roadway as shown in the Berwick Township Comprehensive Plan or a roadway having adequate structural and geometric characteristics as determined by the Zoning Officer, with assistance from the Township Engineer. In making this determination, the Zoning Officer and the Township Engineer shall consider the ability of said roadway to handle the anticipated future truck traffic.

*(as amended by Ordinance 64 of 2006, § XXXII)*

- E. All materials temporarily or permanently stored on the property shall be set back at least one hundred (100) feet from any street line.
- F. A traffic study shall be required.

#### **§ 435. Mineral Recovery Operations**

- A. The facility shall meet all State and Federal regulations regarding the mining plan and operational requirements.
- B. Fencing: A six (6) foot chain-link fence must surround the area of actual quarrying.
- C. Screens: Where the quarry operations will substantially impair the beauty and character of the surrounding countryside, trees or shrubs must be planted, or attractive earth barrier erected, to screen the operation as far as practical from normal view.
- D. Setbacks from residential uses and other than Industrial and Commercial Districts:
  - (1) No stockpiles, waste piles, processing or manufacturing equipment, may be closer than one thousand (1,000) feet.
  - (2) No part of the quarrying pit, private access road, truck parking area, scales, or operational equipment, may be closer than five hundred (500) feet.
- E. Street Setbacks: From the right-of-way line of a public street, no part of the mineral recovery pit, stockpiles, waste piles, processing or manufacturing equipment, scales, or operational equipment, may be closer than one hundred (100) feet.
- F. Property Line Setbacks:
  - (1) No part of the quarrying pit, stockpiles, waste piles, processing or manufacturing equipment, may be closer than two hundred (200) feet.

- (2) No private access road, truck parking area, scales, or operational equipment, may be closer than one hundred (100) feet.
  - (3) Where a quarry property abuts another quarry property or an operating railroad's right-of-way property, no part of the quarrying operation except an access road may be closer than fifty (50) feet:
- G. Access Drive: The access drive to the facility shall be paved within two hundred (200) feet from the street line.
- H. Mineral recovery operations shall have direct access to an arterial roadway as identified in the Berwick Comprehensive Plan.
- I. Restoration or Reclamation Requirements:
- (1) Restoration Required: Within two (2) years after the termination of quarrying operations, the area of actual mineral recovery operations must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.
  - (2) Restoration Standards: In rehabilitating the area of actual mineral recovery operations, the owner or operator must comply with the following standards:
    - (a) Removal of Plant Equipment: Within two (2) years after termination of operations, all plant and equipment must be removed, except where the plan and equipment is still used for processing earth material from other properties. If substantially covered, foundations and piers may be left in the ground.
    - (b) Reporting of Operational and Restoration Information: In order to keep the Zoning Officer abreast of impending termination of mineral recovery operations and plans for restoration as well as operational activities which he/she has a duty to check, each mineral recovery owner or operator must submit to the Zoning Officer, annually in the month of October, the following information:
      1. Operational Data:
        - a. Ownership and acreage of the land which is the site of quarrying operations, including all land held under contract or lease.
        - b. Type of earth resources quarried.
        - c. Present depth of quarrying operation.

2. Location map, at a scale of one (1) inch equals one hundred (100) feet, or such other scale acceptable to the Township, showing:
  - a. All land owned or under option, contract or lease.
  - b. Lot or land quarried.
  - c. As practical, contours at twenty (20) foot intervals extending beyond the site to the nearest public street or highway.
  - d. Private access roads and abutting streets and highways.
  - e. Existing structures.
  - f. Existing stockpiles and water piles.
  - g. Title, scale, north point, and date.
  - h. Fencing and screen planting. If fencing is vegetation, give details of size and type.

#### **§ 436. Mini- and Self-Service Storage Facilities**

- A. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide where access to storage units is on both sides of the aisle.
- B. If a manager/business office is established on the site, at least four (4) parking spaces must be provided adjacent to the office.
- C. The servicing or repair of stored equipment shall not be conducted on the premises. Also, no business activities, other than rental of storage units, shall be conducted on the premises.
- D. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
- E. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking and shall be screened from public streets and adjacent property in accordance with the Berwick Township Subdivision and Land Development Ordinance.
- F. All access drives, parking and loading area must be paved or covered with crushed stone so as to render such area dust-free and passable in all weather conditions.

**§ 437. Recycled Materials Collection and Processing**

- A. All operations, including collection, shall be conducted within a wholly enclosed building.
- B. There shall be no outdoor storage of materials used or generated by the operation.
- C. The applicant shall explain the scope of operation and any measures used to mitigate problems associated with noise, fumes, dust and litter.
- D. The applicant will assure regular maintenance and the immediate collection of stray debris.
- E. The lot shall have direct access onto an arterial or major collector roadway as shown in the Berwick Township Comprehensive Plan or a roadway having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
- F. The facility shall not be located within two hundred (200) feet of any residential use or district.

**§ 438. Sanitary Landfill or Incinerator**

- A. Such facility shall be established and operated in accordance with the applicable requirements of all regulating bodies such as the Pennsylvania Department of Environmental Protection and the United State Environmental Protection Agency.
- B. A minimum lot area of twenty-five (25) acres is required.
- C. No sanitary landfill operation or incineration shall take place within five hundred (500) feet of any street or property line.
- D. The lot shall have direct access to an arterial roadway as shown in the Berwick Township Comprehensive Plan or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated truck traffic.
- E. It shall be demonstrated that the use, because of its location and proposed method of operation, will not have an adverse effect upon any surrounding residential properties.
- F. Such facility is part of a solid waste plan as approved by the Adams County Solid Waste Advisory Committee and by a majority of the municipalities of Adams County, and adopted by the Adams County Commissioners.
- G. Fencing, screening, and buffering shall be provided as determined by the Zoning Hearing Board.

- H. An environmental impact assessment shall be provided in accordance with the Berwick Subdivision and Land Development Ordinance including any additional requirements deemed appropriate by the Zoning Hearing Board.

**§ 439. Truck Terminals**

- A. The terminal shall have direct access to an arterial roadway identified in the Berwick Township Comprehensive Plan or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
- B. Loading docks and truck maneuvering areas and terminals must be set back the following minimum distances from residential uses property lines or from property lines of properties listed in districts other than industrial and commercial districts:
  - (1) A truck terminal or motor freight depot must be at least five hundred (500) feet.
  - (2) A shipping or receiving dock must be at least three hundred (300) feet.
- C. A traffic impact study shall be required.

**Public/Utility Uses:**

**§ 440. Communication Towers and Communication Antennas with associated communications equipment buildings**

- A. The following regulations shall apply to communication antennas and communication equipment buildings:
  - (1) Building mounted communications antennas shall not be located on any single family dwelling or two-family dwelling unit.
  - (2) Building mounted communications antennas shall be permitted to exceed the thirty-five (35) feet height limitations by no more than twenty (20) feet.
  - (3) Building mounted communications antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. In residential built-up areas, a plan shall be submitted demonstrating the method to be utilized to visually conceal said structures.
  - (4) Omnidirectional or whip communication antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

- (<sup>5</sup>) Directional or panel communication antennas shall not exceed five (5) feet in height and three (3) feet in diameter.
- (6) Any applicant proposing communication antennas to be mounted on a building or other structure shall submit the following information.
  - (a) Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
  - (b) Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by Township Engineer.
  - (c) Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- (<sup>7</sup>) Communication antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation and radio frequency interference.
- (8) A communications equipment building shall be subject to the height and setback requirements of the applicable district for an accessory structure.
- (<sup>9</sup>) The owner or operator of the communications antenna shall be licensed by the Federal Communications Commission to operate such antennas.

B. The following requirements shall apply to communications towers:

- (1) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antenna.
- (2) The applicant shall demonstrate that the proposed communications tower and communications antenna proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (3) Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

- (4) Tower type. Where the construction of a new support structure is proposed, the applicant shall use a single-pole, or davit, construction where the proposed site meets one (1) or more of the following locational criteria:
- (a) Within one (1) mile of an area or property listed in or deemed eligible for listing in the National Register of Historic Places.
  - (b) Within five hundred (500) feet of any residential subdivision or land development containing more than twenty-five dwelling units and a dwelling unit density of greater than one (1) dwelling unit per acre.
- (5) Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
- (a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at reasonable cost.
  - (b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
  - (c) Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (d) Additions of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - (e) A commercially reasonable agreement could not be reached with the owners of the structure.
- (6) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surfaces for its entire length.



- (7) A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- (8) Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- (9) The applicant shall demonstrate that the proposed tower is the minimum height required to function satisfactorily. The applicant shall provide coverage analyses for a sufficient range of tower heights within the Township where towers are permitted to demonstrate the relationship between tower height and coverage "dead spots" and a sufficient range of siting locations based on technical data, which demonstrates the need for the tower at the specific location. The Township Zoning Hearing Board shall have the option to obtain an independent professional evaluation of the siting analysis.

(10) In all zoning districts the maximum height of any communication tower shall be one hundred fifty (150) feet; provided, however, that such heights may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.
- (11) The foundation and base of any communications tower shall be set back from a property line (not a lease line) located in any residential district or any property line of a religious or educational institution at least two hundred (200) feet and shall be set back from any other property line at least fifty (50) feet.
- (12) The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- (13) Towers shall either maintain a galvanized steel finish or, subject to any applicable standard of Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
- (14) The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.
- (15) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Support Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.

- (16) The applicant shall submit a copy of its current Federal Communication Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
- (17) All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- (18) The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
- (19) No signs or lights shall be mounted on the communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
- (20) If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communication tower within six (6) months of the expiration of such twelve (12) month period.
- (21) One off street parking space shall be provided within the fenced area.

**§ 441. Public Service Office Use**

- A. All off-street parking shall not be allowed within ten (10) feet of the adjoining property lines and shall be screened from view in accordance with Berwick Township Subdivision and Land Development Ordinance.
- B. Outside storage of materials shall be prohibited within residential zones. Outdoor storage of materials in other areas shall be completely enclosed within a six-foot-high fence and screened from adjoining streets and properties.
- C. The storage of maintenance vehicles and related apparatuses shall be within wholly enclosed buildings unless in a HC or I district, in which case outdoor storage would be permitted.

**§ 442. Public Utilities (Other than Communications Towers and Antennas with associated equipment buildings, which are addressed in Section 440.)**

- A. The following shall apply to utilities located within a residential zone:
  - (1) All buildings and structures shall be designed, to the extent possible, to have the exterior appearance of a residence.

- (2) Outdoor storage of vehicles or equipment used in the maintenance of a utility shall not be permitted.
- B. The storage of maintenance vehicles and related apparatuses shall be within wholly enclosed buildings unless located in a HC or I district, in which case outdoor storage would be permitted.
- C. The following shall apply to utilities located in any zone:
  - (1) No specified lot size shall apply; however, each lot shall provide front, side, and rear yard setbacks and comply with the maximum lot coverage requirements when prescribed in the underlying zone.
  - (2) The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the property lines.
  - (3) All site improvements shall be screened from all adjoining residentially zoned properties.

**Transportation Uses:**

**§ 443. Airport and/or Landing Strip**

- A. A minimum lot area of fifty (50) acres is required.
- B. No portion of the area designated or utilized for aircraft take-off or landing shall be within two thousand five hundred (2,500) feet of any residential district, including those within adjacent municipalities, nor within three hundred (300) feet of any property line.
- C. All Federal and State operational and safety requirements shall be met.
- D. Any proposed airport or landing strip shall not adversely affect adjoining land uses, the safety of nearby residents or employees, of the future growth and development of the Township.

**§ 444. Helistop**

- A. Any proposed helistop shall be permitted only as an accessory use to, in conjunction with, and an integral part of an existing and permitted principal use.
- B. The proposed helistop shall not adversely affect adjoining land uses, the safety of nearby residents or employees, or the future growth and development of the Township.
- C. No sales, fuel service, maintenance, or overhaul activities shall be conducted on the premises.

- D. Except for roof-top landings areas, a minimum landing area of one hundred (100) feet by one hundred (100) feet shall be provided.
- E. Fencing, screening, buffering shall be provided as the Zoning Hearing Board prescribes.
- F. All Federal and State operational and safety requirements shall be met.

**Accessory Uses:**

**§ 445. No-Impact Home-Based Business**

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

*(as amended by Ordinance 64 of 2006, § XXXIII)*

**§ 446. Bed and Breakfast Inn**

- A. No modifications to the external appearances of the building (except fire escapes), which would alter its residential character shall be permitted.
- B. Guest stay shall be limited to a maximum of fourteen (14) consecutive days.
- C. A maximum of ten (10) guest-rooms shall be permitted.
- D. Breakfast or brunch shall be provided only to the guests of the establishment.

- E. The operation of the Inn shall be conducted so as to be clearly incidental and accessory to the primary use as a single-family dwelling.
- F. The Township Sewage Enforcement Officer shall certify the adequacy of the on-lot wastewater system to handle the additional volume generated by the Inn in those areas dependent on on-lot wastewater systems.

**§ 447. Granny Flats (Secondary Dwelling Units)**

- A. The total building coverage for the principal dwelling, and other accessory structures, and the secondary dwelling together shall not exceed the maximum lot coverage requirement for the underlying zone, where applicable.
- B. The secondary dwelling unit shall be occupied by a maximum of two (2) people.
- C. The secondary dwelling's utility systems may be physically connected to or totally separate from the sewage disposal and water supply and all other utilities of the principal dwelling. In either case, however, all systems meet the requirements of the Township Sewage Enforcement Officers and regulations of the Township regarding sewage disposal and water supply systems, whether on-lot or public.
- D. In addition to all parking requirements for the principal dwelling, a minimum of one (1) off-street parking space, with unrestricted ingress and egress, shall be provided for the secondary dwelling.
- E. The secondary dwelling shall not be installed, located, or constructed in the front yard and shall adhere to all side yard setback requirements for principal uses.
- F. Only one granny flat unit shall be allowed per lot.

**§ 448. Permanent Agricultural Roadside Stands**

- A. Display structures shall be located at least twenty-five (25) feet from any side or rear property line; or as required by the underlying zone, whichever is greater.
- B. The structure shall be set back at least twenty-five (25) feet from the street right-of-way.
- C. Off-street parking shall be provided for all employees and customers.

**§ 449. Private Swimming Pools**

- A. A private swimming pool may only be erected in a rear or side yard in any district in which it is permitted, provided that it is at least ten (10) feet from any rear or side property line.

- B. Pools which are enclosed, indoor or covered, must meet all setback requirements of the underlying district.
- C. Outdoor lighting of the pool area shall be shielded and not reflect toward adjacent residential properties.
- D. Provisions shall be made for drainage of the pool and back-wash water disposal. Water shall not be emptied onto public roads or adjoining land belonging to others.
- E. In-ground pools shall meet the following fencing requirements:
  - (1) The pools shall be enclosed with a fence having a height of between three (3) and six (6) feet.
  - (2) The fence may be chain link, solid masonry, solid wood, or picket (with spacing no greater than two (2) inches), or other suitable durable material.
  - (3) The fence shall be equipped with a gate, which shall be self-closing and self-latching and equipped with a locking device to permit the pool to be locked when the pool is not in use.
- F. Above-ground pools shall meet the following setback and gating requirements:
  - (1) The pool shall comply with setback regulations of the underlying district.
  - (2) The pool shall be protected by a barrier gate and locking device accordance with subsection E.3 above.

**§ 450. Home Occupations**

- A. Home Occupations shall be deemed to include the following and similar uses:
  - Art Studio
  - Beauty Shop
  - Barber Shop
  - Teaching or Tutoring Service
  - Professional Office of a Physician, Dentist, Lawyer, Accountant, Real Estate Broker, or Similar Professional
  - Pet Grooming
  - Dressmaker
  - Tailor
  - Appliance or Small Engine Repair
  - Typing, Desktop Publishing, or Word Processing Services
- B. The person with the home occupation must reside within the primary structure located on the lot.

- C. No more than two (2) persons may be employed to provide secretarial, clerical, or any other type of assistance.
- D. No more than twenty-five (25) percent of the habitable floor area of the dwelling unit, excluding attached accessory structures, shall be utilized for the home occupation. Attached structures, including garages, and detached accessory structures may be used for the home occupation.
- E. One non-animated, non-illuminated, flat freestanding sign shall be permitted. The total sign area shall not exceed four (4) square feet.
- F. The structure in which the home occupation is conducted must retain a residential design and character as evidenced by architectural drawings or photographs.
- G. A minimum of two off street parking spaces must be provided, plus one additional space for each employee.
- H. Only one client, student, or customer may be scheduled at any one time.
- I. Delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle shall not exceed two (2) trips per week and the deliveries shall not restrict traffic circulation.
- J. Other than the business sign authorized by Section 450.E, there shall be no exterior indication of the business. No outdoor storage of materials or vehicles used in association with the home occupation shall be permitted.
- K. The home occupation shall not cause any external impact such as increased noise, excessive light, or offensive odor.  
*(as amended by Ordinance 64 of 2006, § XXXIV)*

**§ 451. Mixed Use Lots**

- A. Mixed Use Lots shall be subject to the site requirements of Section 306.F.
- B. Off-street parking for the residential and nonresidential uses within a Mixed Use Lot shall conform to the requirements of Article 7 of this Ordinance.
- C. The nonresidential use within a Mixed Use Lot shall be conducted completely within the dwelling unit or an accessory structure.
- D. There shall be no exterior storage or materials, equipment, vehicles, or other supplies to be used in conjunction with the nonresidential use within a Mixed Use Lot.
- E. The nonresidential use within a Mixed Use Lot shall no cause any external impact such as increased noise, excessive light, or offensive odor.  
*(as amended by Ordinance 64 of 2006, § XXXTO)*

**ARTICLE 5**  
**NONCONFORMITIES**

**§ 500. Nonconforming Structures**

- A. Continuation: Any nonconforming structure existing on the effective date of this Ordinance or created by an amendment to this Ordinance may continue although such structure does not conform to the dimensional requirements of this Ordinance.
- B. Restoration: A nonconforming structure, which has been damaged or destroyed by fire, explosion, windstorm, or other natural or criminal acts, shall meet the following restoration requirements:
  - (1) The restored structure shall not exceed the height, area, and volume of the original damaged structure.
  - (2) The restoration of the structure shall commence within one (1) year following the settlement of all claims or if no claims exist, from the date the structure was damaged and shall be continue uninterrupted, otherwise the nonconforming structure status shall be void.
- C. Demolition: In the event any nonconforming building is destroyed or partially destroyed and the owner has determined reconstruction / restoration infeasible, the owner will be responsible for the complete removal of the structure and debris as well as the filling of any excavated areas.
- D. Extension or Expansion: A nonconforming building or structure may be extended or expanded in accordance with the following requirements:
  - (1) The extension or expansion of the building or structure may result in additional nonconforming building footprint, provided the following standards are achieved:
    - (a) The maximum amount of additional nonconforming building footprint shall be the lesser of the following:

An increase of one hundred (100%) percent of the nonconforming portion of the total existing building footprint; or,

An increase of two thousand (2,000 sq. ft.) square feet of additional nonconforming building footprint.
    - (b) The extension or expansion of the building or structure shall not encroach beyond the furthest extent of the current nonconformity.
    - (c) The maximum amount of additional nonconforming building footprint to be authorized shall be calculated based on the building footprint on the



day the building or structure became a nonconforming building or structure. The maximum amount of additional nonconforming building footprint shall be cumulative, regardless of the number of individual extensions or expansions proposed for a specific building.

- (d) No part of the extension or expansion of the nonconforming portion of the building or structure shall violate the clear sight distance requirements of the Berwick Township Subdivision and Land Development Ordinance.  
*(as amended by Ordinance 72 of 2008)*

- (2) The extended or expanded building or structure shall continue to comply with all dimensional standards and other regulations of this Ordinance with which the existing building or structure currently complies.  
*(as amended by Ordinance 72 of 2008)*

### **§ 501. Nonconforming Lots**

A. Continuation: Any nonconforming lot, due to its lot area or lot width, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such lot does not conform to the lot requirements for the district in which it is located.

B. Development: The following requirements apply to the development and use of the nonconforming lot. All the requirements of this Ordinance shall be met with the exception of lot area and lot width. Furthermore, no lot shall be developed unless the following requirements are met:

- (1) Each lot shall have an approved on-lot wastewater system and replacement system or access to public sewer.
- (2) Public water or on-lot water well shall be provided. Additionally, for those lots utilizing on-lot water the minimum required isolation distance between the well and the on-lot wastewater system shall be provided.
- (3) Such non-conforming lot may be used for any use permitted by right in the zoning district in which the lot is located, provided all required standards for the specific use are met, in addition to those requirements referenced in Sections 501.B(1) and 501.B(2).

*(as amended by Ordinance 64 of 2006, § XXXVI)*

### **§ 502. Nonconforming Uses**

A. Continuation: Any nonconforming use existing on the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Change in ownership or possession of the use or property shall not prevent the continuance of the nonconforming use.

B. Extension: Extension of the nonconforming use shall be approved by the Zoning Hearing Board as a special exception subject to the following standards and the provisions of Section 903.D(2) of this Ordinance:

- (1) Extensions shall be limited to the lot occupying the use or a contiguous lot held in common ownership at the time the use became nonconforming.
- (2) The extension of the nonconforming use shall not replace a conforming use.
- (3) The extension shall conform to the requirements of the underlying district and applicable supplementary regulations including, but not limited to: lot, building, setback, coverage, buffering, height, parking and sign requirements.
- (4) The volume and area devoted to the extension shall meet the requirements set forth below:
  - (a) The extension of uses within structures shall not exceed an increase of fifty percent (50%) of the original volume or area of the nonconforming use. The original volume and area is the volume and area devoted to the use as it existed on the date such use became nonconforming.
  - (b) Land operations, which are nonconforming uses, (e.g., mineral recovery operations, agriculture activities, junk yards, and landfills) may be extended greater than fifty percent (50%) upon the approval of the Zoning Hearing Board.

C. Change of Use: The following regulations shall apply to the change of nonconforming uses:

- (1) A nonconforming use changed to a conforming use shall not be permitted to be changed back to a nonconforming use.
- (2) A nonconforming use shall be permitted to be changed to another nonconforming use upon application to the Zoning Hearing Board for a special exception and in accordance with Section 903.D(2) of this Ordinance and the following standards:
  - (a) The applicant shall show the nonconforming use cannot be changed reasonably to a permitted use.
  - (b) The applicant shall demonstrate the change will be less objectionable in external effects than the existing nonconforming use including, but not limited to:
    1. Traffic impact.

2. Environmental impact (e.g., noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration).
  3. Solid waste disposal.
  4. Appearance.
- (c) The applicant shall demonstrate the change will meet other requirements of this Ordinance, including: parking and loading, buffering, and signage.

D. Abandonment, Discontinuance and Delinquency:

- (1) The ceasing of a nonconforming use in a building or structure for a continuous period of one (1) year or more shall be considered the abandonment of the nonconforming use. Subsequent use of such building or structure shall be in conformity with the provisions of this Ordinance.
- (2) The ceasing of a nonconforming use of land for any length of time and reason shall be considered the abandonment of the nonconforming use with the exception of normal farming practices, such as, the rotation of crops. Subsequent use of such land shall be in conformity with the provisions of this Ordinance.
- (3) In the case of the death of the property owner and/or settling of an estate the discontinuance of the nonconforming use shall not be considered an abandonment of the use in accordance with Section D(1) and (2) above until the estate is settled or a court order has been entered regarding the estate's disposition. A one-year grace period after such settlement or court order shall apply.
- (4) A nonconforming use shall be deemed abandoned in the event the Township or County acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this Ordinance.

E. Authorization of Accessory Structures on Properties with Non-Conforming Uses:

- (1) Accessory structures shall be permitted on properties occupied by non-conforming uses without the property owner having to obtain special exception approval in accordance with Section 502.B.
- (2) Use of the accessory structure must be clearly incidental to the principal use of the property, and shall not constitute an expansion of the non-conforming principal use
- (3) The accessory structure shall comply with all area and dimensional requirements for the zoning district in which the accessory structure is located.

*(as amended by Ordinance 64 of 2006, § XXXVII)*

**§ 503. Certificate of Nonconformance**

- A. An application for a certificate of nonconformance may be made to the Township by the owner of any nonconformity, with the assistance of the Zoning Officer, as of the effective date of this Ordinance or as of the effective date of an amendment creating the nonconformity.
- B. For previously unregistered nonconformities, the Zoning Officer shall assist the property owner and file the certificate of nonconformance at the time of application for a building permit.
- C. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property as of the effective date of this Ordinance or as of the effective date of an amendment creating the nonconformity.
- D. The Township shall retain a copy of the Certificate of Nonconformance.
- E. The Zoning Officer fee for assistance shall be in accordance with a fee schedule established by the Berwick Township Board of Supervisors.



**ARTICLE 6**  
**SUPPLEMENTARY REGULATIONS**

**§ 600. Purpose**

The regulations set forth by this Article shall be minimum regulations and shall apply uniformly to each class of land use or kind of structure, except as provided herein.

**§ 601. Accessory Structures**

- A. Unless otherwise indicated in Article 4, Use Regulations, the following requirements shall apply to accessory structures.
- B. **Attached Structures:** An accessory structure, attached to the principal building, is considered part of the principal building for all regulatory purposes.
- C. **Non-attached Structures:** A non-attached structure, standing apart from the principal structure, shall meet the following requirements:
  - (1) A structure may be built in a side yard or rear yard, provided that such accessory structure shall be located not less than ten (10) feet from any lot line.
  - (2) No accessory structure, except agricultural roadside stands (see Section 448) and school bus shelters, shall be built within any front yard unless authorized as special exception by the Zoning Hearing Board.
- D. **Fences and Walls:** The following regulations shall apply to the height and location of fences and walls:
  - (1) No fence or wall (except a retaining wall, a wall of a building under the terms of this Ordinance, or a wall or fence in accordance with Article 4, Use Regulations, of this Ordinance) shall be erected to a height of more than three (3) feet in the front yard area or more than six (6) feet in any other yard in any district other than HC and EC.

*(as amended by Ordinance 64 of 2006, § XXXVIII)*

- (2) No fence or wall (except a retaining wall, a wall of a building under the terms of this Ordinance, or a wall or fence in accordance with Article 4, Use Regulations, of this Ordinance) shall be erected to a height of more than eight (8) feet in any yard in the HC and EC districts.

*(as amended by Ordinance 64 of 2006, § XXXIA)*

- (3) No fencing shall be erected which inhibits the sight distance at a street intersection or driveway or the clear sight triangle as established in the Berwick Township Subdivision and Land Development Ordinance.

## § 602. Lot Standards

- A. Lot Area: The area, width and depth of lots shall provide adequate area for off-street loading, unloading, and/or parking space. Parcels with on-lot wastewater facilities shall be provided with area in addition to the above-mentioned areas to accommodate an on-lot wastewater system and a replacement area approved by the Township Sewage Enforcement Officer.
- B. Yard and Setbacks:
- (1) Setbacks to Prevent Obstructions to Vision:
    - (a) Walks, fences, signs, and vegetation shall not be permitted which cause danger to traffic on any street by obscuring the view.
    - (b) A clear sight triangle in accordance with the Berwick Subdivision and Land Development Ordinance shall be maintained and free from visual obstructions.
  - (2) All front setbacks shall be measured from the future right-of-way defined by the Berwick Township Subdivision and Land Development Ordinance and based on the functional classification of streets as defined in the Berwick Comprehensive Plan.
  - (<sup>3</sup>) Corner Lots: A front setback requirement shall be applied along each street line of a corner lot. The rear setback requirement shall be applied along all other lot lines.  
*(as amended by Ordinance 72 of 2008)*
  - (4) Reverse Frontage or Through-Lots: The front setback requirement shall be applied along each street line of a reserve frontage lot or through lot. The side yard setback requirement shall be applied along all other lot lines.  
*(as amended by Ordinance 72 of 2008)*
  - (<sup>5</sup>) Front Setbacks on Built-up Streets: Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back less than the required distance, the average of the setbacks of the adjacent properties becomes the required minimum front setback for the property. However, in no case shall the setback line be less than twenty (20) feet from any abutting, existing street right-of-way line.
  - (6) Cul-de-sac Lot or Lots on Curved Streets:
    - (a) The front setback shall be established from the street line arc a sufficient distance so that the building setback arc equals the minimum lot width required for the district.

- (b) The minimum width of the lot at the street line arc shall be no less than fifty (50) feet.
- (7) Building Extensions within the Setback:
  - (a) Cornices, chimneys, steps, stoops, canopies, and similar extensions including fire escapes and eaves may be within the minimum front, side and rear setback. Stoops shall not be greater than twenty-five (25) square feet in area.
  - (b) Covered porches and patios, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into any building setback area.
- C. Panhandle lots: Panhandle lots shall only be permitted in the RC or RR Districts and must comply with the following regulations.
  - (1) No other reasonable lot configurations are possible.
  - (2) The narrow "handle" portion of any such lot connecting the lot to the street shall not be less than fifty (50) feet in width. The access drive associated with the staff shall be no closer than two hundred (200) feet from a neighboring driveway.
  - (3) Minimum lot width and minimum building setbacks shall be measured along the lot line (other than the street line) most nearly parallel to the street from which access is taken.
  - (4) The "handle" portion of the lot shall serve only the lot upon which it is located or in accordance with the Berwick Township Subdivision and Land Development Ordinance.
- D. Division of Built-on Lots: No lot may be formed from a part of a lot occupied by a building unless each newly created lot will meet all the applicable provisions of this Ordinance and the Berwick Township Subdivision and Land Development Ordinance.

### **§ 603. Building and Structure Requirements**

- A. Height Regulations: The following height regulations shall apply throughout the Township:
  - (1) The maximum height per principal building shall be thirty-five (35) feet unless otherwise stipulated in Article 3, District Regulations or Article 4, Use Regulations.
  - (2) The height regulations do not apply to the following structures or projections, provided that such structure or projections are set back a



horizontal distance at least equal to their height from any property line; however, in the case of the R-2 and R-3 Districts, the maximum height shall be fifty (50) feet unless authorized as a special exception by the Zoning Hearing Board.

- (a) Telecommunications towers, water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles or other similar structures.
  - (b) Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans and other mechanical appurtenances, if such structures do not cover more than twenty-five (25) percent of the roof on which they are located.
  - (c) In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.
- (4) For residential uses, accessory buildings shall not exceed fourteen (14) feet in height, except as provided for in Article 4, Use Regulations.

B. Minimum Habitable Floor Area: All dwelling units shall not be less than the minimum habitable floor area as follows:

- (1) Single-family detached, attached and semi-detached and two-family unit with the exception of those single-family units listed in subsection (2) below: Seven hundred (700) square feet.
- (2) Multi-family, residential conversions, granny flats, temporary housing for farm workers and mobile or manufactured homes with the exception of efficiency apartments: Four hundred (400) square feet.
- (3) Efficiency apartment (dwelling unit for one person): Three hundred (300) square feet.

C. Unenclosed Storage:

- (1) Recreational vehicles, boats, campers, trailers and trucks. In any residential districts, boats, campers, recreational vehicles, trailers, and/or trucks with more than two (2) axles, except personal pickup trucks, shall not be stored in any front yard, except on a driveway, for longer than a two (2) week period. In multifamily developments, it is recommended that remote, screened storage areas be provided for items infrequently used, such as recreational vehicles.
- (2) Outdoor stockpiling. In all districts with the exception of the EC District, heavy industrial uses only, no outdoor stockpiling of any material or outdoor storage of

trash is permitted in the front yard. All districts shall meet the following regulations, as applicable.

- (a) The stocking piling of tires, metal pipes, automobile parts, and similar objects or materials shall be stored in a garage or an enclosed storage structure in residential districts.
- (b) In any residential district, the outdoor stockpiling of materials other than those listed in (a) above, is prohibited for more than one (1) year, with the exception of firewood.
- (c) In all districts, outside storage areas shall be screened from any public street or pedestrian walkway, any abutting residential use, and any adjoining residential district in accordance with the screening and landscaping requirements set forth in the Berwick Township Subdivision and Land Development Ordinance and other requirements of Article 3 of this Ordinance.
- (d) In the EC District, outdoor storage of materials over four feet (4') in height must be set back a minimum of one hundred (100') feet from the public right-of-way.

(<sup>3</sup>) Trash, garbage, refuse or junk. Except in accordance with the Berwick Township Ordinances 5 and 13 (as amended) the outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited.

D. Dumpsters: Dumpsters used for domestic garbage shall be permitted within the side or rear yard in accordance with the following requirements:

- (1) The dumpster shall be screened from adjoining roads and properties.
- (2) All dumpsters shall be set back at least thirty-five (35) feet from the lot line of an adjoining residential use or district and ten (10) feet from all other lot lines.

E. Demolition of Structure: Demolition of any structure must be completed within three (3) months of the issuance of a permit or in accordance with the terms of the permit. "Completion" consists of tearing the structure down to grad, filling any resulting cavity to grade, and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidence of the part, which was demolished, must be removed from the exterior surfaces of the remaining building.

#### **§ 604. Screens and Buffers**

A. Location of Buffer Yards and Screening:

- (1) Buffer yards shall be required for all commercial and industrial uses abutting residential uses and/or abutting or within residential districts, except as provided in Subsections 3 and 4 of this Section and in accordance with Article 3, District Regulations.
- (2) Screening and landscaping, in accordance with the applicable provisions of the Berwick Subdivision and Land Development Ordinance, shall be provided for all non-residential uses when abutting a residential use and/or abutting or within a residential district.
- (3) Where arterial or collector streets or railroads serve as a district boundary, no such buffering or screening is required along the boundary line.
- (4) Where streams, creeks or other bodies of water with an average width of fifty (50) feet or greater serves as a district boundary, such stream, creek or body of water shall serve to meet the buffering requirement.

**B. Description of Buffer Yards and Screening:**

- (1) Buffer yards and screening shall be designed in accordance with the Berwick Township Subdivision and Land Development Ordinance unless otherwise required by this Ordinance in Article 4, Use Regulations.
- (2) All buffer yards shall be planted with grass, seed, sod, or ground cover, shall be maintained, and shall be kept clean of all debris, rubbish, weed, and tall grass in conformance with existing regulations.
- (3) No structure, manufacturing or processing facility, parking (including driveways other than those necessary for access to the lot in question), or storage of materials shall be permitted in the buffer yard, unless otherwise stipulated in Article 3, District Regulations and Article 4, Use Regulations.

**§ 605. Illumination**

All exterior lighting shall be arranged and shielded to prevent objectionable illumination or glare upon adjoining properties and/or public right-of-way and in accordance with the Berwick Township Subdivision and Land Development Ordinance.

**§ 606. Access Drives and Driveways**

The development of all access drives and driveways shall meet the requirements set forth in the Berwick Township Subdivision and Land Development Ordinance and Berwick Township Driveway Ordinance.

### **§ 607. Drainage**

No principal building or accessory building or structure shall be erected, structurally altered or relocated on land which is not adequately drained at all times. In addition all work must conform to the Berwick Township Stormwater Management Ordinance.

### **§ 608. Floodplain Regulations**

Any new construction or development within areas of the Township which are subject to flooding shall meet all applicable provisions of the Berwick Township Subdivision and Land Development Ordinance and the Berwick Township Floodplain Ordinance.

### **§ 609. Environmental Performance Standard**

No land or building in any district shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by Federal and State agencies.

### **§ 610. Open space and Common Open Space**

- A. Open space may be devoted to one or more of the following uses:
- (1) Passive recreation areas including hiking and bicycling trails, nature observation, and picnicking. Easements for these areas may be offered to Berwick Township, Adams County, land trusts, or other non-profit organizations whose purpose is to conserve and protect open spaces, scenic views, and overall rural qualities.
  - (2) Drainage, access, sewer or water line, pedestrian bicycle, equestrian trail, and/or other similar easements.
  - (3) Stormwater management facilities designed in accordance with the Berwick Township Stormwater Management Ordinance.
  - (4) Agricultural activities permitted by the underlying district regulations herein.
  - (5) Approved water supply and sewage disposal systems for individual residential units or groups of units.
- B. Open space areas shall be designed in accordance with the Berwick Township Subdivision and Land Development Ordinance.
- C. Designated open space areas shall be restricted by a deed covenant to prohibit further subdivision.
- D. Common open space areas shall meet the requirements of Section 611.

**§ 611. Ownership and Maintenance of Common Open Space.**

- A. For all developments proposing the use of common open space a plan for the ownership and maintenance of common open space shall be submitted for approval by the Board of Supervisors prior to final plat approval. Such ownership, administration, and maintenance shall be arranged to be in accordance with one of the following methods:
- (1) An offer of dedication to the Township; however, the Township shall not be obligated to accept the dedication of common open space.
  - (2) The transfer of the total common open space area or a portion thereof to a private, non-profit organization whose purpose is the preservation of open space land and/or natural resources, subject to the following:
    - (a) The language and deed restrictions are acceptable to the Township.
    - (b) The organization shall be a bona fide conservation organization with a perpetual existence.
    - (c) The conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to carry out its function.
    - (d) The organization must enter into a maintenance agreement with the Township.
  - (<sup>3</sup>) Establishment of a Homeowners' Association (HOA) subject to the following:
    - (a) Prior to final plat approval the developer shall submit a detailed statement including covenants, agreements, and other specific documents indicating ownership, method of maintenance and utilization of the common open space areas.
    - (b) Covenants shall be recorded either prior to or simultaneously with the approved plan.
  - (4) Landowner deed or deeds of trust, approved by the Board, for the purpose of ownership, administration and maintenance of common open space. The Trustee shall be empowered to levy and collect assessments from property owners for working capital, operating expenses, insurance and contingencies.
- B. Failure of an organization or any successor organization to maintain the common open space in reasonable order and conditions in accordance with the development plan shall result in the following actions:

- (1) Written notice from the Board of Supervisors shall be served describing the failure and deficiencies in maintaining the common open space. The notice shall:
  - (a) Establish thirty (30) day period from said notice to correct the deficiencies.
  - (b) State the date and place of a hearing to be held within fourteen (14) days of the notice. At such hearing, the Board of Supervisors may modify the terms of the notice as to the deficiencies and grant an extension of time to correct the deficiencies.
- (2) Failure to correct the deficiencies within the thirty (30) days or extension thereof and in order to preserve the taxable values of the property within the development and prevent the common open space from becoming a public nuisance, the Board may take the following actions:
  - (a) Maintenance of the property by the Township for a period of one (1) year; however, the maintenance shall not constitute a taking of the common open space.
  - (b) Prior to expiration of said year, the Board shall call a public hearing upon notice to the organization and to the residents of the development. The Board shall reach one of two determinations:
    1. The organization is ready and able to maintain the common open space at the end of said year.
    2. The organization is not ready and able to maintain the common open space at the end of said year and the Township may at its discretion continue to maintain said common open space during the next year subject to the same public hearing process.
  - (c) The decision of the Board of Supervisors shall be subject to appeal to court in such manner, and within the same limitations as is provided for zoning appeals.
- (<sup>3</sup>) The cost of maintenance by the Township shall be assessed ratably against the organization or, in the case of the homeowners' association, against the owners of properties within the development, and shall, if unpaid, become a tax lien on said properties.

#### **§ 612. Keeping of Horses for Personal Recreation Use**

- A. In the RR Districts, horses may be kept for personal recreation use in accordance with the following requirements.

- B. The minimum lot size for the keeping of horses for personal recreation, non-commercial use shall be five (5) acres.
- C. One horse shall be allowed for the first five (5) acres and one additional horse shall be allowed for every acre over five (5) acres.
- D. The horses shall be kept for the personal recreation use of the property owner or occupant of the residence on the parcel.
- E. No boarding of horses owned by non-property owners or non-residents shall be allowed on said property.

### **§ 613: Non-residential Building Design Standards**

The following design standards apply to commercial, office, and institutional buildings that exceed twenty-five thousand (25,000) gross square feet of building coverage.

- A. Facades and Exterior Walls:
  - (1) Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of a least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
  - (2) Detail Features. Building facades must include a repeating pattern that includes no less than three (3) of the following elements, with a least one (1) of the following elements (a), (b) or (c) repeating horizontally:
    - a. Color change.
    - b. Texture change.
    - c. Material module change.
    - d. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.
  - (3) For retail establishments, ground floor facades that face public streets shall have arcades, awnings/canopies, fascias, display windows, entry areas, or other such features along no less than sixty percent (60%) of their horizontal length.

- B. Windows: For retail establishments, all building facades facing a public right-of-way must adhere to the following window requirements:
- (1) All first story building facades shall be a minimum forty percent (40%) window coverage.
  - (2) All other stories of building facades shall be a minimum 25% window coverage.
  - (3) All windows shall be transparent or translucent.
- C. Roofs: Roofs shall have no less than two (2) of the following features:
- (1) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.
  - (2) Overhanging eaves, extending no less than three (3) feet past the supporting walls.
  - (3) Sloping roofs.
  - (4) Three (3) or more roof slope planes.
  - (5) Green roofs: If this option is selected, no other roof option is required.
- D. Materials and colors:
- (1) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.
  - (2) Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
  - (3) Building trim and accent areas may feature brighter colors, including primary colors.
  - (4) Exterior building materials shall not include smooth-faced concrete block, pre-cast concrete panels (tilt-up concrete panels) that are not exposed aggregate, hammered, embossed, imprinted, sandblasted or covered with a cement-based acrylic coating, or prefabricated metal panels with a depth of less than one inch or a thickness less than U.S. Standard twenty-six (26) gauge.



E. Entryways: Every retail establishment shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

- (1) Canopies or porticos.
- (2) Overhangs.
- (3) Recesses/projections.
- (4) Arcades.
- (5) Raised corniced parapets over the door.
- (6) Peaked roof forms.
- (7) Arches.
- (8) Outdoor patios.
- (9) Display windows.
- (10) Architectural details such as tile work and moldings which are integrated into the building structure and design.
- (11) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

F. Mechanical equipment:

- (1) To the maximum extent practical, all roof-mounted and ground mounted mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district or uses within one-hundred fifty (150) feet of the subject property, measured from a point five (5) feet above grade. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance.
- (2) Mechanical equipment and open storage areas shall be screened from public streets, alleys, paths, private streets and abutting lots to a maximum height of six (6) feet. When solid screening is used, the materials shall be compatible with the building."

*(as amended by Ordinance 64 of 2006, § XL)*

**ARTICLE 7**  
**OFF-STREET PARKING AND LOADING**

**§ 700. Purpose**

The purpose of this Article is to develop standards for the provision of off-street parking and loading facilities for all uses including the size, quality, location and design of these facilities. Furthermore, the standards in the Ordinance complement the design criteria set forth in the Berwick Township Subdivision and Land Development Ordinance.

**§ 701. Minimum Size of Parking Spaces**

- A. Standard Spaces: The parking space shall have an area of not less than two hundred (200) square feet and a minimum of ten (10) feet wide by twenty (20) feet deep.
- B. Handicapped Spaces: Handicapped parking spaces shall have an area of not less than two hundred sixty (260) square feet and a minimum of thirteen (13) feet wide by twenty (20) feet deep and shall be located in an area of less than five (5) percent slope.

**§702. Schedule of Required Parking Spaces**

- A. Off-street parking spaces shall be provided for each building erected or enlarged in accordance with the following schedule and requirements set forth in Article 4, Use Regulations. Spaces shall be on the same lot as the use unless authorized in accordance with Section 704.
- B. Uses not specifically listed shall comply with the requirements for the most similar use listed, unless the applicant provides information as required by the Berwick Township Subdivision and Land Development Ordinance that proves to the satisfaction of the Zoning Officer that an alternative standard is applicable.
- C. Where a proposed building and/or use includes more than one type of use, the number of parking spaces shall be the sum of the parking requirements for each separate use.
- D. For industrial, wholesale and warehousing establishments, the Zoning Hearing Board may authorize a reduction of the number and size of paved, off-street parking spaces as a special exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land and show reserved areas for expansion of the paved parking for future uses.

E. Minimum Off-Street Parking Space Requirements:

Type of Use		Minimum Number of Spaces
<b>Agricultural Uses:</b>		1 space for each employee
<b>Residential Uses:</b>		
	Single and two family dwelling units	2 spaces for each unit
	Multi-family units	1.5 spaces for each bedroom unit, plus 2 spaces for each 2 or more bedroom unit.
	Bed and breakfast / rooming house	2 spaces for each unit plus 1 space for each bedroom or guest sleeping room
<b>Public and Institutional Uses:</b>		
	Auditorium, house of worship, theatre, & other places of public assembly	1 space for every 3.5 seats plus one space for every employee
	Cemetery	1 space per full-time employee
	Community building	1 space for every 250 square feet of gross floor area
	Hospital	1 space per 2 beds, plus 1 space per doctor, plus one space per 2 employees on the largest shift, plus one space per hospital vehicle
	Library	1 space for 5 seats or one space for every 500 square feet of gross floor area, where no seats are provided
	Nursing home	1 space per four beds based on design capacity, plus 1 space per each two employees on the largest shift
	Schools, elementary	1 space for every 6 students based on design capacity plus 1 space per classroom
	Schools secondary	1 space for every 3 students based on design capacity plus 1 space per classroom
	Vocational training and adult educational facilities	1 space for every 1.5 students based on design capacity plus 1 space per classroom

<b>Commercial / Office Uses:</b>		
	Auction House	1 space for every 2 seats of design capacity
	Day Care Center	1 space for every employee plus 1 space for every 2 classrooms and office
	Food markets and convenience stores	1 space per 100 square feet of floor area for public use plus 1 space per each employee on the largest shift
	Funeral home	1 space for each 4 seats provided for patron use plus 1 additional space for each full-time employee and each vehicle committed on the premises
	Hotel / motel	1 space per guest room plus 1 for each employee on the largest shift. Spaces associated with restaurants and meeting rooms shall be in addition to these requirements
	Business, financial, professional, or public service office building	1 space for each 200 square feet of gross floor area, plus 1 space for every 2 fulltime employees
	Kennel	1 space for every 15 animals of capacity, plus 1 space for each employee on the largest shift
	Outpatient medical facilities	4 spaces per doctor plus on space for each on-duty employee on the largest shift
	Quick serve (fast food) restaurant	1 space for every 2 seats of design capacity or 1 space for every 50 square feet of gross floor area, whichever is larger; plus 1 space for every 2 employees on the largest shift
	Retail store or personal service business	1 space for each 200 square feet of gross floor area, plus 1 space for each employee on the largest shift
	Riding academy and horse stable	1 space for each horse stall, plus 1 space for each employee on the largest shift
	Roadside agricultural stand	
	Temporary	A minimum of 3 spaces
	Permanent	1 space per 100 square feet of floor area for public use plus 1 space per each employee on the largest shift

	Shopping centers	4.5 spaces for every 1,000 square feet of gross floor area
	Sit-down restaurant	1 space for every 4 seats of the maximum design capacity, plus 1 space for every 2 employees on the largest shift
	Vehicle sales	1 space for each 400 square feet of gross floor area, plus 1 space for each 3,000 square feet of outside sales area, plus 1 additional space for each full-time employee
	Vehicle repair, service and gasoline station	2 spaces for each service bay or area, plus 1 space for each full-time employee on the largest shift
	Vehicle washing facility	4 spaces for each washing bay
	Veterinary Office	5 spaces per doctor, plus one space for each on-duty employee on the largest shift
<b>Industrial Uses:</b>		
	Industrial	3 spaces for every 4 employees on the largest shift, plus 1 space for each company vehicle normally stored on the premises
	Warehousing	1 space for each employee on the largest shift, plus 1 space for each company vehicle normally stored on the premises
<b>Recreation Uses:</b>		
	Athletic field or outdoor recreational facilities	1 space for every 4 spectator seats; however, if no spectator seating a parking ratio of 1 space for every 4 spectators or participants based on design capacity. Temporary parking facilities shall be delineated by a temporary barrier.
	Billiard room	4 spaces per table and 1 space per 2 employees
	Bowling alley	3 spaces for each lane plus 1 space per 2 employees
	Campgrounds and facilities	1 space for each campsite; plus one space for each employee, plus 50 percent of the spaces normally required for accessory uses to the campground
	Clubs or lodges	1 space for every 5 members of total capacity or at least 1 space for each 50 square feet of gross floor area for use to serve members and/or guests, whichever is greater, plus 1 space for each full-time employee
	Golf course	4 spaces per hole, plus 1 space for each employee, plus 50 percent of the spaces normally required for uses accessory to the golf course

	Non-specified indoor recreation	1 space for every 100 square feet of gross floor area
	Tennis courts	2 spaces for each court
<b>Transportation</b> Uses:		
	Airport and/or landing strip	1 space for every 4 air vehicles stored on the site
	Bus passenger depot	1 space for every 4 seats for waiting passengers

**§ 703. Reduction of Parking Requirements**

- A. The minimum off-street parking requirements may be reduced upon application for a special exception to be approved by the Zoning Hearing Board.
- B. The following conditions must be satisfied to be granted the special exception:
  - (1) The land development plan shows all required spaces, accessways and buffer areas.
  - (2) The land development plan shows the spaces to be removed.
  - (3) Satisfactory documentation is submitted attesting to the reduced need for off-street parking.

**§ 704. Joint Parking Facilities**

- A. Joint parking facilities shall be allowed in the R-3 (Neighborhood Service Center, Institutional Center, and Places of Assembly, only), LMU, HC and EC Districts only:
- B. Joint parking facilities shall be allowed subject to the following requirements:
  - (1) The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:
    - (a) Residential use: One hundred (100) feet.
    - (b) Commercial use: Two hundred (200) feet.
    - (c) Industrial use: Three hundred (300) feet.
  - (2) The required parking shall be not less than the total required separately for each use with the following exceptions:

- (a) Where it shall be demonstrated that the uses are utilizing the lot at different periods of the day, a reduction may be granted to the total number of parking spaces. The required number of spaces shall be based on the use, which requires the most spaces.
- (b) To encourage joint use of facilities in areas of contiguous commercial development fronting on an arterial as designated in the Berwick Township Comprehensive Plan, a parking reduction of ten (10%) percent may be granted in those areas which demonstrate safe and convenient walking distance between uses and meet the criteria in 1 above.
- (c) The parking area must remain under the control of the owner or operator of the use to which the parking area is appurtenant and shall be recorded as a deed restriction filed in Adams County Courthouse to maintain the required number of spaces available throughout the life of the use.

#### **§ 705. Design Standards of the Parking Facilities**

- A. Layout of the Parking Facilities. The general design standards complement the parking lot design standards set forth in the Berwick Township Subdivision and Land Development Ordinance.
  - (1) Every parking lot shall be connected to a street by means of an unobstructed access drive.
  - (2) Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space without the moving of any other motor vehicle and without backing onto any public street.
  - (3) Parking areas shall not be within any of the following: a required buffer yard and a future or existing street, unless otherwise stipulated in Article 3, District Regulations or Article 4, Use Regulations of this Ordinance.
  - (4) No parking or other paved area shall be located within ten (10) feet of an on-lot wastewater system absorption area.
  - (5) All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated from major pedestrian routes.
  - (6) Handicapped parking spaces shall be designed in conformance with the Americans with Disabilities Act of 1990, as amended. Multi-family, commercial, public, recreation and industrial uses shall provide handicapped parking spaces according to the following scale:

<b>Total Parking Spaces</b>	<b>Required Accessible Spaces</b>
<b>1-25</b>	<b>1</b>
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
502-1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

(7) Setback Requirements:

- (a) All parking lots shall be set back from any street line or property line in accordance with the minimum front, side, and rear building setback requirements for the zoning district in which the subject property is located.
- (b) All off-street parking lots shall be set back ten (10) feet from the principal structure.
- (c) When a parking lot abuts a property occupied by a residential use or a property within a residential zoning district, an additional five (5) foot buffer shall be provided along the property line of the residential property or zoning district in addition to the parking lot setback established by Section 705.A(7)(a).

*(as amended by Ordinance 64 of 2006, § XLI)*

B. Landscaping of the Parking Facilities:

- (1) Screen planting shall be provided when a parking lot abuts a residential use or zone or provides space for more than five vehicles as defined in this Ordinance and the Berwick Township Subdivision and Land Development Ordinance.
- (2) Interior landscaping shall be provided for any parking area of one-half acres or more meeting the following requirements and design requirements set forth in the Berwick Township Subdivision and Land Development Ordinance.



- (a) At least ten (10) percent of the total area of the interior of the parking lot shall be devoted to planting landscaping.
- (b) Terminal islands shall be installed at the end of each aisle of parking to provide for both interior parking lot landscaping and assist in automobile circulation within the parking lot.
- (c) Divider strips shall be installed between adjoining aisles of parking to provide for interior parking lot landscaping, to assist in automobile circulation, and to help achieve the pedestrian separation requirement of Section 705.A(5).
- (d) Landscaped areas situated outside the parking lot, such as the lawn area and areas surrounding the building, shall not constitute interior landscaping.
- (e) The area of the parking lot shall be calculated to include all areas within the perimeter of the lot, such as parking spaces, access drives, aisles, islands, and curbed areas.

*(as amended by Ordinance 64 of 2006, § XLII)*

#### **§ 706. Drainage of the Parking Facilities**

All driveways, access drives, and entrance ways shall be graded, surfaced, and drained to the satisfaction of the Township Engineer and within the parameters established in the Berwick Township Subdivision and Land Development Ordinance and the Berwick Township Stormwater Management Ordinance to the extent necessary to prevent nuisances of dust, erosion, or excessive water flows across streets or adjoining property.

#### **§ 707. Lighting of the Parking Facilities**

- A. All public parking shall be adequately lit during evening operating hours.
- B. All standards shall be located on raised parking islands and not on the parking surface.
- C. Lighting shall be arranged and shielded to the direct rays from the luminaries shall not fall off-site on adjacent properties.

#### **§ 708. Off-Street Loading**

- A. Off-street loading berths; open or enclosed, are permitted accessory to any use other than residential and subject to the following minimum provisions:
  - (1) Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use.

- (2) The applicant shall provide evidence at the time of land development to demonstrate sufficient numbers of loading spaces are being provided. The following criteria shall apply:
- (a) Funeral home shall provide one (1) loading space for a gross floor area of 3,000 to 5,000 square feet and one (1) additional space for each 5,000 square feet in excess of the 5,000 square feet.
  - (b) Licensed hospital and other institutions shall provide one (1) loading space for a gross floor area of 10,000 square feet to 100,000 square feet and one (1) additional space for each 100,000 square feet in excess of the 100,000 square feet.
  - (c) Manufacturing, storage, display or sale of goods uses shall provide one (1) loading space for a gross floor area of 5,000 to 25,000 square feet and one (1) additional space for each 10,000 square feet in excess of 25,000 square feet.
  - (d) Office, hotels, theaters and similar uses shall provide one (1) space for a gross floor area from 20,000 to 100,000 square feet and one (1) additional space for each 40,000 square feet of gross floor area in excess of 100,000 square feet.

B. Design and Layout of Loading Facilities:

Each required space/berth shall not be less than twelve (12) feet in width, seventy (70) feet in length, and fourteen (14) feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.

The maximum width of access drives and sidewalk openings, measured at the street line, shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet.

Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot.

The loading facilities shall be designed subject to the same drainage, setback, and lighting requirements set forth for the parking facilities in this Ordinance and requirements of the Berwick Township Subdivision and Land Development Ordinance and the Berwick Township Stormwater Management Ordinance.

- (5) All off-street loading areas shall be screened from any abutting residential use or district and any public street or pedestrian walkway in accordance with this Ordinance and the Berwick Township Subdivision and Land Development Ordinance.



**ARTICLE 8  
SIGN REGULATIONS**

**§ 800. General Regulations for All Signs**

**A. Determination of Size:**

- (1) The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments.
- (2) Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols.
- (3) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, with the following exceptions where the two (2) faces are placed back to back and no point more than three (3) inches from one another.
  - (a) The area shall be taken as the area of one (1) face when the two (2) faces are of equal size.
  - (b) The area shall be taken as the area of the larger face when the two (2) faces are of unequal size.

**B. Location and Placement:**

- (1) The location of signs shall not interfere with proper sight distances on streets or be placed within the clear sight triangle as set forth in the Berwick Township Subdivision and Land Development Ordinance.
- (2) No sign shall be located within a street right-of-way with the exception of those signs of a governmental body, including traffic signs and other regulatory notices.
- (3) No sign shall project over a public sidewalk or path.
- (4) Projecting signs shall not project more than three (3) feet from the wall or surface to which they are mounted nor be less than eight (8) feet high at the lower edge of the sign and shall not in any way interfere with normal pedestrian or vehicular traffic.
- (5) Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted and shall not project more than twelve (12) inches from its surface.

- (6) No person shall paint, paste, brand, stamp, or in any manner place on or attach to any tree, or to any utility, street light, or other street pole any written, printed, or painted advertisement, bill, notice, sign, card or poster.

**C. Illumination of Signs:**

- (1) Flashing, rotating, festoon-lights and intermittent lights are not permitted, except for public service information only, including time, date, temperature, and weather or traffic conditions.
- (2) Signs may be interior lighted with non-glaring lights or may be illuminated by floodlights or spotlights shielded so there is no direct light transmitted to other properties or public rights-of-way.

**D. Construction and Maintenance:** Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

**§ 801. Permitted Permanent Signs**

**A.** Permanent signs must conform to the standards set forth in Sections 800 and 801.B and C

**B.** Only the types of on premise, permanent signs listed on Table 801 shall be permitted throughout Berwick Township.

**C.** The following off-premise, permanent signs shall be permitted in all districts:

- (1) Signs for direction, regulation and control of traffic, street names, legal notices, railroad crossings, and official signs authorized by a duly constituted governmental body.
- (2) Signs for directing patrons, members, or an audience to service clubs, churches, or other non-profit organizations and no exceeding four (4) square feet in area.

**D.** Advertising signs shall be permitted either on or off premise in the HC and **ED** districts only and in accordance with the following regulations:

- (1) No structure shall contain more than one (1) advertising sign per facing.
- (2) Only one (1) advertising sign shall be permitted per lot.
- (3) No advertising sign shall exceed ten (10) feet in vertical measurement or thirty (30) feet in horizontal measurement and overall size of three hundred (300) square feet in area.
- (4) No advertising sign shall exceed forty (40) feet in height.

- (5) No advertising sign shall be permitted to be erected upon the roof of any building.
- (6) The advertising sign shall be set back thirty (30) feet from the front lot line or to the established front setback line, whichever is greater and shall be set back fifty (50) feet from the side and rear property lines.
- (7) One thousand (1,000) feet shall separate one advertising sign from another advertising sign or freestanding business identification sign. No sign shall be located within one-thousand (1,000) feet of a residential use or residential district.
- (8) No sign shall be so illuminated in such a manner that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
- (9) No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend on visibility for identification.

### **§ 802. Permitted Temporary Signs**

- A. Temporary signs must conform to standards set forth in Sections 800 and 802.B and C.
- B. Only the types of on premise, temporary signs listed on Table 802 shall be permitted throughout Berwick Township
- C. The following off-premise, temporary signs shall be permitted in all districts:
  - (1) Political signs meeting the sign description and requirements of sign category T-12 on Table 802, excluding banners.
  - (2) Non-illuminated signs directing persons to temporary exhibits, shows, or events, located in the Township or contiguous Borough subject to the following requirements:
    - (a) Signs shall not exceed six (6) square feet.
    - (b) Signs shall not be posted earlier the two (2) weeks before the event and must be removed within one (1) week after the event.
  - (3) Non-illuminated signs directing persons to real estate open houses shall not exceed six (6) square feet.
  - (4) Non-illuminated signs directing persons to approved development to be constructed in the Township by a builder, contractor, developer, or other persons interested in such sales or development subject to the following requirements:
    - (a) Signs shall not exceed twelve (12) square feet.

- (b) Signs shall be removed within twenty (20) days after the last structure has been initially occupied or upon the expiration of any building permit, whichever is sooner.

**§ 803. Permit Requirements**

- A. All permanent signs (see Table 801 and Section 801) over six (6) square feet in area shall require a permit with the exception of P-1 and Section 801.C.1 signs.
- B. All temporary signs (see Table 802 and Section 802) over six (6) square feet in area shall require a permit prior to erection.

**Table 801 — Permitted On Premise, Permanent Signs**

<b>Sign Description</b>							
<b>Sign Category</b>	<b>Type of Sign</b>	<b>Maximum Number Permitted</b>	<b>Freestanding (F) Attached (A)</b>	<b>Maximum Area Permitted</b>	<b>Maximum Setback from Right-of-Way</b>	<b>Maximum Height</b>	<b>Districts Permitted</b>
<b>P-1</b>	Signs and signals owned and operated by the Township or other governmental agency	-- --	Freestanding Attached	-- --	-- --	-- --	All Districts All Districts
<b>P-2</b>	Identification signs for public and semipublic facilities, such as, school, place of worship, hospital, library, club and public utility	1 each per lot frontage	Freestanding Attached	20 sq. ft. aggregate of all freestanding and attached signs	10 feet --	10 feet Height of building	All Districts All Districts
<b>P-3</b>	Memorial or historical markers or tablets	1 per event	Freestanding	6 sq. ft.	5 feet	10 feet	All Districts



<b>P-4</b>	Nameplates identifying owner or resident of private property, excluding mailboxes	1 per dwelling unit	Freestanding	3 sq. ft.	5 feet	6 feet	All Districts
<b>P-5</b>	Signs controlling the use of private property	--	Freestanding Attached	2 sq. ft. 2 sq. ft.	5 feet --	6 feet Height of Building	All Districts
<b>P-6</b>	Directional Signs	1 each per lot frontage used as access	Freestanding Attached	2 sq. ft. 2 sq. ft.	2 feet --	6 feet Height of Building	All Districts
	Business signs for properties not located in complexes, such as, shopping centers, multi-use buildings, industrial parks, neighborhood service centers and institutional						

P-7A	Individual business sign.	1 each per lot frontage	Freestanding	20 sq. ft. aggregate of all freestanding and attached signs	10 feet	10 feet	RC, RR, R-3, LMU
			Attached		--	Height of Building	RC, RR, R-3, LMU
P-7B	Individual business sign.	1 each per lot frontage	Freestanding	280 sq. inches of all freestanding and attached signs	10 feet	6 feet	R-1, R-2
			Attached		--	Height of Building	R-1, R-2
P-7C	Individual business sign.	1 per side or rear entrance	Attached to Side or Rear Entrance	6 sq. ft.	--	Shall not extend above the side or rear entryway	RC, R-3, LMU
P-7D	Individual business sign.	1 per lot frontage (additional by special exception)	Freestanding	1 sq. ft. per 2.5 linear feet of lot frontage, not to exceed 150 sq. ft.	10 feet	25 feet	HC, EC
P-7E	Individual business sign.	1 per lot frontage (additional by special exception)	Attached	No more than 6% of the total wall area to which the sign is attached and not to exceed 150 sq. ft. per wall.	--	Height of building	HC, EC
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	Business signs for properties located in complexes, such as, shopping centers, multi-use buildings, industrial parks, neighborhood service centers and institutional centers.						
P-8A	Wall-mounted building directory signs identifying the occupants	1 per lot entryway	Attached	6 sq. ft.	--	Shall not extend above the entryway	R-3, HC, ED
<b>P-8B</b>	Business sign for the complex (no individual store or business shall have a freestanding sign when located in a complex).	1 per lot frontage	Freestanding	150 sq. ft.	15 ft.	Height of building	HC, ED

<b>P-8C</b>	Business sign for the complex	1 per lot frontage	Attached	75 sq. ft.	--	Height of Building	HC, EC
<b>P-8D</b>	Individual business sign for businesses in a complex.	1 per business	Attached to Front Facade	No more than 5% of the ground floor building facade and not to exceed 20 sq. ft.	--	Shall not extend above the base of the second floor window sill, parapet, eave, or building facade.	R-3
<b>P-8E</b>	Individual business sign for businesses in the complex.	1 per business	Attached to Front Facade	20 sq. ft.	--	Height of Building	HC, EC
<b>P-9</b>	Identification sign for residential subdivision	1 per lot frontage	Freestanding	20 sq. ft.	20 feet	10 feet	RC, RR, R-1, R-2, R-3

**Table 802 — Permitted On Premise, Temporary Signs**

<b>Sign Description — Sign Category</b>	<b>Type of Sign</b>	<b>Condition of Removal</b>	<b>Maximum Number Permitted</b>	<b>Freestanding Attached</b>	<b>Maximum Area Permitted</b>	<b>Minimum Setback from Right-of-Way</b>	<b>Maximum Height</b>	<b>Districts Permitted</b>
<b>T-1</b>	Identifying architects, contractors, or others engaged in construction work on the premises where their work is proceeding.	Removed upon completion of work	1 per each separate firm involved in work on the site	Freestanding	12 sq. ft. per sign	10 ft.	10 ft.	All
				Attached	12 sq. ft. per sign	--	Height of Building	All
<b>T-2</b>	Real estate signs on all individual residential properties and subdivisions of less than 3 acres for commercial or industrial use or residential	Removed within one week of date of sale, rent or lease agreement	1 per lot frontage	Freestanding	6 sq. ft.	10 ft.	10 ft.	All
				Attached	6 sq. ft.	--	Height of Building	All

	development that are for sale, rent or lease.							
T-3	Real estate signs on properties of more than 3 acres for commercial or industrial use or residential development that area for sale, rent, lease, or subdivision.	Removed within one week of date of sale, rent or lease agreement	1 per lot frontage	Freestanding Attached	32 sq. ft. 32 sq. ft.	25 ft. --	10 ft. Height of Building	All All
T-4	Signs announcing approved housing developments and office or apartment complexes	Removed upon 75% completion of development or within 18 months of placement.	1 per lot frontage	Freestanding Attached	32 sq. ft. 32 sq. ft.	25 ft. --	10 ft. Height of Building	All All
T-5	Signs announcing approved commercial, industrial or	Removed within on year of the erection of the sign.	1 per lot frontage •	Freestanding Attached	32 sq. ft. 32 sq. ft.	25 ft. --	10 ft. Height of Building	All All

	other non-residential development							
T-6	Signs announcing grand openings, new ownership, change of use on the site of the permitted use.	Removed within one month of the erection of the sign.	1 per lot frontage	Freestanding Attached	10 sq. ft. 10 sq. ft.	25 ft. --	10 ft. Height of Building	LMU, R-3 LMU, R-3
T-7	Signs announcing grand openings, new ownership, change of use on the site of the permitted use.	Removed within one month of the erection of the sign.	1 per lot frontage	Freestanding Attached	32 sq. ft. 32 sq. ft.	25 ft. --	10 ft. Height of Building	HC, EC HC, EC
T-8	Signs advertising the temporary sale of agricultural products raised on	Removed when product is no longer on sale.	2 per lot	Freestanding Attached	6 sq. ft. 6 sq. ft.	10 ft. --	10 ft. Height of Building	RC, LMU RC, LMU





T-12	Political posters, banners, and signs about candidates, parties, and ballot issues.	Allowed 6 weeks prior to election and 2 weeks following election.		Freestanding Attached	16 sq. ft.	5 ft.	10 ft. Height of Building	All
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**ARTICLE 9**  
**ZONING HEARING BOARD**

**§ 900. Establishment and Creation of the Board**

- A. Appointment of the Board Members. The Berwick Township Zoning Hearing Board is hereby established in accordance with the following procedures:
- (1) The Board shall consist of three (3) residents of the Township appointed by resolution of the Board of Supervisors.
  - (2) The terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year.
  - (3) The Board shall promptly notify the Board of Supervisors of any vacancies. The Board of Supervisors shall appoint a resident of the Township to fill the unexpired portion of the term left vacant.
  - (4) Members of the Board shall hold no other offices in the Township.
- B. Appointment of Alternate Board Members
- (1) In addition to members of the Board appointed pursuant to Section 900A, the Board of Supervisors shall appoint by resolution two (2) residents of the Township to serve as alternate members of the Board.
  - (2) The term of office for alternate members shall be three (3) years.
  - (3) Alternates shall hold no other office in the municipality, including membership on the planning commission or zoning officer.
- C. Removal of Members. The majority of the Board of Supervisors given the following procedures may remove any Board member for malfeasance, misfeasance, or nonfeasance in office or for other just cause.
- (1) The Board member shall receive fifteen (15) days advance notice prior to the meeting of the intent to take such a vote.
  - (2) A hearing shall be held in connection with the vote if the Board member shall make written request for the hearing.

**§ 901. Organization of the Board**

- A. The Board shall elect a chairman, vice-chairman and secretary from its membership, who shall serve annual terms and may succeed themselves.

- B. The Board shall make, alter and rescind rules and forms for its procedure in keeping with the provisions of this Ordinance and other ordinances of the Township and the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended).

**§ 902. Expenditure for Zoning Hearing Board Solicitor and Other Services**

- A. The Board may contract for and fix the compensation of legal counsel; however, under no circumstances shall the amount of compensation exceed the amount appropriated by the Board of Supervisors.
- B. The Zoning Hearing Board Solicitor shall be an attorney other than the Township Solicitor.
- C. The Board may contract for and fix compensation for other necessary services, including secretaries, clerks, consultants, or other technical and clerical services; however, under no circumstances shall the amount of compensation exceed the amount appropriated by the Board of Supervisors.

**§ 903. Powers, Duties and Procedures**

The powers, duties and procedures of the Zoning Hearing Board are set forth below in accordance with Article IX of the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board shall have executive jurisdiction to hear and render final adjudications for the following matters.

- A. Appeals and Challenges:
  - (1) Appeals from the determination of the Zoning Officer, including but not limited to one of the following:
    - (a) Granting or denial of any permit or failure to act on a permit application.
    - (b) Issuance of any cease and desist order.
    - (c) Registration or refusal to register any nonconforming use, structure or lot.
    - (d) Determination of the preliminary opinion under Section 1000.B(6) of this Ordinance.
  - (2) Appeal from the determination of the Zoning Officer or Municipal Engineer with reference to the administration of the Flood Prevention Ordinance or such provisions within any land use ordinance.
  - (3) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to

sedimentation and erosion control and stormwater management, except such provisions that appear in the Township Subdivision and Land Development Ordinance and which must be appealed to the Board of Supervisors, in accordance with the Subdivision and Land Development Ordinance and Article X-A of the Pennsylvania Municipalities Planning Code.

- (4) Substantive challenges to the validity of any ordinance regulating land use, including but not limited to, the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, the Township Flood Prevention Ordinance and the Township Storm Water Ordinance but excluding landowner curative amendments which shall be heard by the Board of Supervisors, Section 1201.
- (5) Exclusive jurisdiction to hear and render final adjudications of challenges to the validity of the land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising the procedural questions shall be taken directly to court.

B. Procedures for Appeals and Challenges:

- (1) Appeals and challenges by the affected landowner, officer or agency of the Township, or any aggrieved person may be filed with the Board by submitting the request in writing to the Zoning Officer.
- (2) The appeal shall be submitted within thirty (30) days of the determination.
- (3) Upon filing any proceeding referred to in 903.A above and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or other Township agency, and all official action shall be stayed in accordance with Section 915.1 Stay of Proceedings of the Pennsylvania Municipalities Planning Code.
- (4) In addition to the above procedures, challenges to the validity of a land use ordinance shall follow the procedures described in Section 1201 of this Ordinance.

C. Applications for variances from the terms of this Ordinance and the Flood Prevention Ordinance.

- (<sup>1</sup>) The Board shall hear request for variances where it is alleged that the provisions of the Zoning Ordinance or the Flood Prevention Ordinance inflict unnecessary hardships upon the applicant.

- (2) A variance application form and preliminary application shall be submitted to the Zoning Officer by the landowner or their authorized agent.
- (3) The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - (a) There are unique physical circumstances or conditions, including:
    - Irregularity, narrowness, or shallowness of lot size or shape; or
    - Exceptional topographical or other physical conditions peculiar to the particular property; and that
    - Unnecessary hardship is due to the above conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
  - (b) The physical circumstances or conditions described in (a) above yield no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (c) The unnecessary hardship has not been created by the applicant.
  - (d) The variance, if authorized, will not cause any of the following to occur:
    - Alter the essential character of the neighborhood or district in which the property is located.
    - Impair substantially or permanently the appropriate use or development of adjacent property.
    - Be detrimental to public welfare.
  - (e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (4) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
- (<sup>5</sup>) The Board's decision to grant a permit for a variance shall be made only after public notice and hearing. Such permit shall be made only after public notice and hearing. Such permit shall apply specifically to the appeal and plans submitted and presented at said public hearing. Any subsequent amendments or additions

shall be subject to additional review and public hearing by the Zoning Hearing Board.

#### Applications for special exceptions under the Zoning Ordinance

- (1) Any landowner or authorized agent may apply to the Board for a Special Exception as provided in this Ordinance.
- (2) The Special Exception shall be granted or denied pursuant to expressed standards and criteria set forth in Article 4 and the following general provisions.
  - (a) The proposed use should be consistent with the Berwick Township Comprehensive Plan.
  - (b) The proposed use is compatible with the surrounding area and community at large, including its nature, intensity and environmental impacts, including but not limited to pollution, noise, hazards, congestion, illumination and glare, restriction on natural light and circulation of air.
  - (c) The proposed use is suitable for the site with respect to existing or future streets and will not create traffic congestion.
  - (d) The proposed use will be provided with adequate water supply, sewage disposal, storm drainage, trash and garbage collection and disposal.
- (<sup>3</sup>) The proposed use shall be in conformance with all applicable requirements of this Ordinance and with the Berwick Township Subdivision and Land Development Ordinance and the Berwick Township Stormwater Management Ordinance and other pertinent Berwick Township ordinances.
- (4) The Zoning Hearing Board may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.
- (<sup>5</sup>) The following procedures shall be followed by the Board:
  - (a) The Township Planning Commission shall have forty-five (45) days from the date of its receipt of the application to review the Special Exception and submit an advisory report prior to the Zoning Hearing Board hearing. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board.
  - (b) The Board's decision to grant a permit for a Special Exception shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said

hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the Zoning Hearing Board.

E. Records:

- (1) The Board shall keep full public records of its business and such records shall be the property of the Township.
- (2) The Board shall submit an annual report of its activities to the Board or Supervisors or as requested by the Board of Supervisors. The Board shall submit to the Board of Supervisors a copy of each of its decisions upon rendering a decision.

**§ 904. Hearings**

A. The Board shall conduct hearings and make decisions to accomplish the powers and duties stated in Section 903 above.

B. The Board shall adhere to the following procedures as set forth in Article XI of the Pennsylvania Municipalities Planning Code.

(1) Hearing Notices:

- (a) At the time of filing an appeal or application with the Zoning Hearing Board, the Board shall schedule the public hearing.
- (b) Public notice shall be published in accordance with the definition of Public Notice set forth in Article 2.
- (c) Written notice shall be provided to the applicant, the Zoning Officer, to adjoining property owners or property owners contiguous to a common street within five hundred (500) feet of the affected property and to any person who has made a timely request for said notice.
- (d) Written notice shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

(2) Time Limitations:

- (a) The first hearing before the Board shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant or on the record. An applicant shall complete the presentation of his case-in-chief within one-hundred (100) days of the first hearing. Upon the

request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one-hundred (100) days, including the first hearing. Persons opposed to the application may, upon written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition provided the applicant is granted an equal number of additional hearings for rebuttal.

*(as amended by Ordinance 64 of 2006, § XLIII)*

- (b) The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board. When the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provision of this Ordinance or other rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

*(as amended by Ordinance 64 of 2006, § XLIT9)*

- (c) When the Board fails to render a decision within the period required by (b) and (c) above or fails to hold the hearing in the period required by (a) above, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. The Board shall give public notice of said deemed decision within ten (10) days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- (d) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed no later than the day following the date of the written decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision of findings may be examined.
- (e) Unless otherwise specified by the Board, a Special Exception or variance shall expire if the applicant fails to obtain a building permit within one (1) year from the date of authorization thereof. In the event a Special Exception or variance is granted where there is not need for new construction, the applicant for the Special Exception or variance shall within one (1) year commence the use of the property in accordance with



the terms and condition of the grant of the Special Exception or variance. Failure to do so will result in revocation of the Special Exception or variance.

(3) Meeting Quorum:

- (a) For the conduct of any hearing and the taking of any action, the Board shall have a quorum, representing two (2) members of the Board.
- (b) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairperson of the Board shall designate as many alternate members of the Board to sit on the Board to provide the quorum. The alternate member(s) shall continue to serve on the Board in all proceedings involving the matter or case, including the right to cast a vote as a voting member during the proceedings, until the Board has made its final determination. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to seniority among all alternates.

(4) Conduct of the Hearing:

- (a) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear before the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- (b) The Chairperson of the Board or the Acting Chairperson shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant documents and papers, including witnesses and documents requested by the parties.
- (c) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (d) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (e) The Board shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. A transcript of the proceedings shall be prepared only upon request with the cost being paid by the individual or party making

the request. Any person appealing the decision of the Board shall pay the cost of the original transcript.

- (f) The Board shall not communicate, directly or indirectly, with any party or representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or representative unless all parties are given an opportunity to be present.
  - (g) Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions and a listing of the reasons for the contesting or denial with a reference to applicable provisions of the Code of Ordinance.
- (5) Appeals to Court:
- (a) Any person aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas of Adams County, Pennsylvania, in accordance with Law and applicable rules.
  - (b) Appeals shall be made in accordance with Article X-A of the Pennsylvania Municipalities Planning Code.

#### § 905. Fees

- A. The Board of Supervisors shall establish a fee schedule by resolution for the reimbursement by the appellant or applicant for the costs incurred by the Township in connection with the hearing before the Board. A fee shall be collected at the time of making the appeal or application. Upon completion of the hearing, the applicant or appellant shall be billed for expenses in excess of the deposit. No request for hearing or other application or appeal shall be complete until such fee is paid in full.
- B. Costs may include:
  - (1) Shared appearance fee for a stenographer.
  - (2) Notice and advertising costs.
  - (3) Administrative overhead connected with the hearing.
- C. Costs shall not include:
  - (1) Legal expenses of the Board.

(2) Expenses for engineers, architects, and technical consultants.

(3) Expenses for expert witnesses.

D. No zoning permit shall be granted until reimbursable expenses are paid in full.

**§ 906. Mediation Option**

The mediation option is available to proceedings authorized in this Article and in accordance with Section 908.1 of the Pennsylvania Municipalities Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

**ARTICLE 10**  
**ADMINISTRATION AND ENFORCEMENT**

**§ 1000. Appointment and Powers of the Zoning Officer**

- A. The Berwick Township Zoning Officer shall be appointed by the Board of Supervisors and shall not hold any elective office in the Township.
  
- B. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. Duties shall include:
  - (1) Receive all applications and issue all building permits, certificates of use and occupancy and certificates of nonconformance. Keep permanent record of all plans and application for permits and all permits issued.
  - (2) Issue all special exceptions permits and variance permits at the direction of the Zoning Hearing Board.
  - (3) Identify and register nonconforming uses, structures and lots.
  - (4) Receive appeals and forward to the Zoning Hearing Board.
  - (5) Order, in writing, corrections of all conditions found to be in violation of the provisions of this Ordinance and serve these orders in person or by registered mail upon the person, firms or corporations deemed by the Zoning Officer to be in violation of this Ordinance.
  - (6) Issue a preliminary opinion in accordance with Section 916.2 of the Pennsylvania Municipalities Planning Code.
  - (7) Maintain the Township Zoning Map or maps showing the current zoning classification of all land in the Township.
  - (8) Provide forms prepared by the Township Solicitor for the following:
    - (a) Building Permits
    - (b) Special Exceptions
    - (c) Conditional Use
    - (d) Certificate of Use and Occupancy
    - (e) Appeals
    - (f) Variances

(g) Nonconformities

(10) Perform other duties upon written request from the Board of Supervisors, Planning Commission and Zoning Hearing Board.

**§ 1001. Permits**

- A. Requirements of Permits: A zoning permit shall be required prior to the erection of or addition to any building or portion thereof, prior to the use or change in the use of a building or land, prior to the change or extension of a non-conforming use, and prior to the erection of any regulated sign. It shall be unlawful for any person to commence work on the erection or alteration of any building or facilitate a change in land use, until a permit has been duly issued therefore. Exceptions to the above include the following:
1. No Zoning Permit shall be required in cases of normal maintenance and repairs which do not structurally change a building or structure, or increase the coverage or height of said building or structure.
  2. No Zoning Permit shall be required for small accessory structures, including but not limited to dog houses and storage sheds of less than twenty-five (25) square feet.
  3. No Zoning Permit shall be required prior to the installation of swing sets or similar recreation equipment to be installed on residential properties.
- B. Applications for Permits: The following elements of a Zoning Permit application shall be provided by the applicant:
1. A completed Zoning Permit Application Form. If the applicant is not the owner of the property, the signature of the owner is required on the application.
  2. Application fee.
  3. A Site Plan, drawn to scale, showing:
    - a. Actual shape and dimensions of the lot to be built upon.
    - b. Exact size and location of any buildings existing on the lot.
    - c. Existing and proposed use of any buildings existing on the lot.
    - d. Required building setback lines, per applicable section of the Zoning Ordinance.
    - e. The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown. Measurements of the distance

from the proposed building or structure to the front, side and rear property lines must be shown.

- f. Notes identifying: what Zoning District the property is located in, the use(s) of the proposed building(s), the number of families or dwelling units the building is designed to accommodate (if applicable).
  - g. Other information deemed necessary by the Zoning Officer in order to accurately depict the proposed activity.
  - h. North arrow.
  - i. Scale.
  - j. Title block including applicant's name, owner's name, address of property, tax parcel number, name of plan preparer, plan preparation date.
4. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of Permits:

- 1. No permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, addition, alteration, sign, or other design feature complies with all the provisions of this Chapter, and until the Zoning Officer has completed the following:
  - a. Review sheet to determine the completeness of the application submitted and compliance with the Berwick Township Zoning Ordinance.
  - b. Written determination of compliance or noncompliance with the Berwick Township Zoning Ordinance, including any conditions placed on a variance or special exception by the Berwick Township Zoning Hearing Board or a conditional use by the Berwick Township Board of Supervisors.
  - c. Permit for display.
- 2. A zoning permit issued in error, or based on inaccurate information provided by the applicant, shall become null and void.
- 3. An approved zoning permit shall become void twelve (12) months from the date of issuance unless construction work has commenced or the change in use has been accomplished."

D. Certificate of Use and Occupancy.

1. No land or building shall be occupied by a principal use or changed from one principal use to another, and no building hereafter erected, constructed, altered, or extended shall be occupied until a Certificate of Use and Occupancy has been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this Ordinance.
2. Application Procedure:
  - a. Applications for Certificates of Use and Occupancy shall be made in writing by the owner or authorized agent of on the Certificate of Use and Occupancy forms supplied by the Zoning Officer.
  - b. Certificates of Use and Occupancy applications associated with construction activity shall be submitted concurrently with the zoning permit application for use at the final inspection by the Zoning Officer.
  - c. Certificates of Use and Occupancy applications associated with a conforming new use or change of use that requires no expansion of the use or structure shall be submitted to the Zoning Officer.
  - d. A Certificate of Use and Occupancy application associated with a change from one nonconforming use to another shall not be submitted until after Special Exception approval is obtained in accordance with Section 903.D of this Ordinance.
3. Application Approval or Denial:
  - a. The Zoning Officer, upon completion of inspection and finding of conformity with Township Ordinances as applicable in subsection (b) and (d) above, shall grant a Certificate of Use and Occupancy within five (5) days following the inspection and finding.
  - b. The Zoning Officer, upon completion of inspection and finding of a violation shall deny a Certificate of Use and Occupancy and shall notify the applicant in writing within five (5) days following the inspection. The notification of the denial shall make reference to appropriate sections of applicable Township Ordinances. Subsequent final inspections shall follow the same procedure outlined above. An additional fee based on time and expenses may be charged for any additional expenses.
  - c. A Certificate of Use and Occupancy shall become void within ninety (90) days from the date of issuance, if unoccupied, unless the applicant has notified the Zoning Officer that the occupancy has been delayed and has made application for an extension.

*(as amended by Ordinance 64 of 2006, § XL'*

## **§ 1002. Violation and Enforcement**

- A. Failure to comply with any provision of this Ordinance shall be considered a violation of this Ordinance.
- B. The Zoning Officer shall institute appropriate action or proceedings to prevent, restrain, correct, or abate a violation in building, structure, landscaping, or land, or to prevent in or about such premises, any act, conduct, business, or use constituting a violation.
- C. Action on Complaints:
  - (1) Any aggrieved person may file a complaint to the Zoning Officer stating fully the cause and basis of a violation of this Ordinance. The Zoning Officer shall record such complaint, investigate, and take action as provided herein.
  - (2) Nothing herein contained shall prevent any aggrieved owner or tenant of real property whose owned or leased property will be substantially affected by a violation from instituting, in addition to any other remedies, any appropriate action or proceeding to prevent, restrain, correct or abate such violation as allowed by law or in equity. When any such action is instituted, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors.
- D. Enforcement Notice:
  - (1) The Zoning Officer shall send an enforcement notice to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requesting in writing by the owner of record and to any person against whom the Township may bring an enforcement action regarding such violation.
  - (2) The enforcement notice shall state at least the following:
    - (a) The name of the owner of record and any other person against whom the Township intends to take action.
    - (b) The location of the property in violation.
    - (c) The specific violation, which a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
    - (d) The date before which steps for compliance must be commenced and that date before which the steps must be completed.



- (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days in accordance with procedures set forth in this Ordinance.
  - (f) That failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions as provided in this Ordinance.
- (<sup>3</sup>) In an appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

E. Enforcement Action:

- (1) If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors.
- (2) The Board of Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding of law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use, structure building, sign, landscaping or land in violation of the provisions of this Ordinance or the order.
- (3) The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a District Justice.

F. Enforcement Remedy:

- (1) Any person, partnership or corporation who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500) plus all court costs and expenses, including the reasonable attorneys' fees, incurred by the Township. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township.

- (2) The Adams County Court of Common Pleas, upon petition, may grant an order of stay upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.
- (3) Nothing contained in this Article shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Article.

### **§ 1003. Fees**

The Board of Supervisors shall adopt by resolution a fee schedule for applicants. No application, certificate, permit or appeal shall be processed without payment of the appropriate fee.



**ARTICLE 11**  
**CONDITIONAL USES**

**§ 1100. Application and General Provisions**

- A. Any landowner or authorized agent may apply to the Board of Supervisors for a Conditional Use as provided in this Ordinance.
- B. The Conditional Use shall be granted or denied pursuant to expressed standards and criteria set forth in Article 4 and the following general provisions:
  - (1) The proposed use should be consistent with the Berwick Township Comprehensive Plan.
  - (2) The proposed use is compatible with the surrounding area and community at large, including its nature, intensity and environmental impacts, including but not limited to pollution, noise, hazards, congestion, illumination and glare, restriction on natural light and circulation of air.
  - (3) The proposed use is suitable for the site with respect to existing or future streets and will not create traffic congestion.
  - (4) The proposed use will be provided with adequate water supply, sewage disposal, storm drainage, trash and garbage collection and disposal.
  - (5) The proposed use shall be in conformance with all applicable requirements of this Ordinance, the Berwick Township Subdivision and Land Development Ordinance and the Berwick Township Stormwater Management Ordinance and other pertinent Berwick Township ordinances.
  - (6) The Board of Supervisors may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

**§ 1101. Procedures.**

- (1) The Township Planning Commission shall have forty-five (45) days from the date of its receipt of the application to review the Conditional Use and submit an advisory report prior to the Board of Supervisors' hearing. The Planning Commission may have representation at the public hearing held by the Board of Supervisors.

*(as amended by Ordinance 64 of 2006, § XLVI)*

- (2) The Board of Supervisors' decision to grant a permit for a Conditional Use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any

subsequent amendments or additions shall be subject to additional review and public hearing by the Board of Supervisors.

- (3) The Board of Supervisors shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- (4) Where the Board of Supervisors fails to render the decision within the period required by this Section or fails to commence, conduct, or complete the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one-hundred (100) days after the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Ordinance. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

*(as amended by Ordinance 64 of 2006, § XLVII)*

- (5) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

## **ARTICLE 12 AMENDMENTS**

The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance and the Zoning Map.

### **§ 1200. Procedures for Enactment**

#### **A. Reviews:**

- (1) Township Planning Commission Review. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- (2) County Planning Commission Review. At least thirty (30) days prior to the Board of Supervisor's public hearing on any amendment, the Township shall submit the proposed amendment to the Adams County Planning Commission for recommendations.

#### **B. Public Hearing:**

- (1) Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice.
- (2) If the proposed amendment involves a zoning map change, notice of the required public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- (3) If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it; the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

#### **C. Enactment:**

- (1) Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth below, and shall include the time and place of the meeting at which passage will be considered, and a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof

- (2) The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days or less than seven (7) days prior to passage.
- (3) Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then the following shall be supplied;
  - (a) A copy to the newspaper in general circulation in Berwick Township at the time the public notice is published.
  - (b) An attested copy of the proposed ordinance filed in the County Law Library or other County offices designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the ordinance.
- D. In the event substantial amendments are made to the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, advertise in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- E. Within thirty (30) days after enactment of any amendment to the Zoning Ordinance, a copy of the amendment shall be forwarded to the Adams County Planning Commission.

#### **§ 1201. Procedures for Curative Amendments**

The procedure for curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, Section 609.1 and Section 609.2.

**ARTICLE 13  
LEGAL STATUS**

**§ 1300. Interpretation and Conflict**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by other such rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this Ordinance shall control.

**§ 1301. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or of any other part.

**§ 1302. Repealer**

All ordinances or part of ordinances inconsistent with this ordinance are repealed.

**§ 1303. Effective Date**

This Ordinance shall take effect on the 3<sup>rd</sup> day of May, 1999.

**§ 1304. Enactment**

ENACTMENT AND ORDAINED INTO AN ORDINANCE THIS DAY 26 APRIL, 1999.

ATTEST

BERWICK TOWNSHIP  
BOARD OF SUPERVISORS

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Chairman

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