

**ORDINANCE NO. 21-02**

**AN ORDINANCE OF THE TOWNSHIP OF BERWICK, ADAMS COUNTY,  
PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE BERWICK TOWNSHIP  
ZONING ORDINANCE,**

**BE IT ENACTED, ADOPTED, AND ORDAINED** by the Township of Berwick, Adams County, Pennsylvania, by the Berwick Township Board of Supervisors, and it is hereby **ENACTED, ADOPTED, AND ORDAINED** by the authority of the same as follows:

**SECTION 1: ADD DEFINITIONS TO SECTION 201**

Section 201 shall be amended by adding the following definition.

**BUILDING FOOTPRINT** – The outline of the total area of a building's perimeter at ground level.

**OWNER OPERATOR** – A trucking business, or comparable vehicle-oriented business, operated by a self-employed driver as the sole employee and which may be conducted from the driver's residential property.

**VEHICLE REFUELING STATION** – A building where gasoline or comparable fuel is sold, and where no repairs are conducted except for work that is closely similar in character to the following: sale and installation of oil, lubricants, batteries, and similar parts and accessories.

**VEHICLE SALES** – A building or area used for the sale, lease, or rental of one or more of the following types of vehicles in operable condition: motor vehicles, recreation vehicles, boats, farm machinery, motorcycles, mobile homes and manufactured homes in livable condition, boat trailers, and utility trailers. Vehicle sales may include vehicle service and repair as an accessory use.

**VEHICLE SERVICE AND REPAIR** – A building where repairs, improvements, and/or installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work described in the definition of "Vehicle Refueling Station." Work characteristics of Vehicle Service and Repair shall include, but shall not be limited to, the following: major mechanical or body work, straightening of body parts, painting, welding, rebuilding of transmissions, and/or safety and emissions inspections.

**VEHICLE STORAGE AREA** – Within a vehicle service and repair use, that portion of the property used for the temporary storage of vehicles being serviced or repaired. Within a vehicle sales use, that portion of the property used for temporary storage of vehicles not currently being offered for sale.

**SECTION 2: AMEND PURPOSE STATEMENT OF THE HIGHWAY COMMERCIAL  
(HC) DISTRICT**

Section 307.A(2) is hereby amended to replace the term "direct" with the term "reasonable."

### **SECTION 3: AMEND AREA AND DIMENSIONAL REQUIREMENTS OF THE HIGHWAY COMMERCIAL (HC) DISTRICT**

Section 307.C is hereby amended to read as follows.

C. Area and dimensional requirements:

- (1) Minimum lot area shall be thirty thousand (30,000) square feet and minimum lot width shall be two hundred (200) feet if access from an arterial street or one hundred (100) feet if accessed from a street other than an arterial street. 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 widths shall be increased to accommodate an approvable on-lot sewage system.
- (2) Maximum lot coverage shall be seventy-five percent (75%).
- (3) Maximum building height shall be fifty (50) feet.
- (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) Minimum yard requirements:
  - (a) Front yard: Twenty-five (25) feet or equal to the building height, whichever is greater.
  - (b) Side yard: Ten (10) feet or equal to one-half (1/2) of the building height, whichever is greater.
  - (c) Rear yard: Ten (10) feet or equal to one-half (1/2) of the building height, whichever is greater.

### **SECTION 4: REMOVE A PERMITTED USE FROM THE PERMITTED USE TABLE OF THE HIGHWAY COMMERCIAL (HC) DISTRICT**

Section 307.B(1) shall be amended by removing "Vehicle Sales, Service, Repair and Body Shop" from the permitted use table the HC District.

### **SECTION 5: ADD PERMITTED USES TO THE PERMITTED USE TABLE OF THE HIGHWAY COMMERCIAL (HC) DISTRICT**



Section 301.B(1) shall be amended by adding the following to "Commercial Uses" use category of the permitted use table of the HC District

Vehicle Sales	P	Section 429A
Vehicle Service and Repair	P	Section 429

**SECTION 6: AMEND OUTDOOR REFUSE AREA ENCLOSURE STANDARDS  
WITHIN THE HIGHWAY COMMERCIAL (HC) DISTRICT**

The first sentence of Section 307.D(2) is hereby amended to read as follows.

- (2) Outdoor refuse areas shall be enclosed by a masonry, wood walls, or opaque fencing designed to be architecturally compatible with the principal building(s).

**SECTION 7: REMOVE PARKING LOCATION STANDARDS FROM THE HIGHWAY  
COMMERCIAL (HC) DISTRICT**

Section 307.D(5) is hereby removed.

**SECTION 8: RENUMBER SECTION 307.D(6) AND AMEND THE MEASUREMENT  
AT WHICH BUILDING DESIGN STANDARDS ARE APPLIED IN THE HIGHWAY  
COMMERCIAL (HC) DISTRICT**

Section 307.D(6) is hereby renumbered as Section 307.D(5), and is hereby amended by replacing the term "gross floor area" with the term "building footprint."

**SECTION 9: RENUMBER SECTION 307.D(7)**

Section 307.D(7) is hereby renumbered as Section 307.D(6).

**SECTION 10: AMEND THE MEASUREMENT AT WHICH BUILDING DESIGN  
STANDARDS ARE APPLIED IN THE EMPLOYMENT CENTER (EC) DISTRICT**

Section 308.F(4) is hereby amended by replacing the term "gross floor area" with the term "building footprint."

**SECTION 11: AMEND THE MINIMUM LOT AREA FOR HOTELS AND MOTELS**

Section 424.A(1) is hereby amended by replacing the phrase "Five (5)" with the phrase "Two (2)."

**SECTION 12: AMEND SECTION 424.A(2) TO CROSS-REFERECE THE  
DIMENSIONAL REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT FOR  
HOTELS AND MOTELS**

Section 424.A(2) is hereby amended to read as follows.

- (2) All other bulk and area requirements of the underlying zoning district shall be met.

**SECTION 13: REMOVE SPECIFIC SETBACK STANDARDS APPLICABLE TO HOTELS AND MOTELS**

Section 424.A(3) is hereby removed.

**SECTION 14: AMEND BUFFER YARD WIDTH STANDARDS FOR HOTELS AND MOTELS**

Section 424.B(1) shall be amended to read as follows.

- (1) A buffer yard of an equivalent depth to the minimum setback of the underlying zoning district shall be provided where the site adjoins a residential use or zone.

**SECTION 15: REMOVE DIRECT ACCESS REQUIREMENT FOR HOTELS AND MOTELS**

Section 424.C is hereby removed.

**SECTION 16: AMEND THE MINIMUM LOT AREA REQUIREMENT FOR SHOPPING CENTERS**

Section 426.A(1) shall be amended by replacing the phrase "Three (3) acres" with the phrase "One (1) acre."

**SECTION 17: AMEND THE MINIMUM LOT WIDTH REQUIREMENT FOR SHOPPING CENTERS**

Section 426.A(2) shall be amended by replacing the phrase "Three hundred (300) feet" with the phrase "Two hundred (200) feet."

**SECTION 18: AMEND THE MINIMUM NUMBER OF CONTIGUOUS USES STANDARD FOR SHOPPING CENTERS**

Section 426.A(3) shall be amended by replacing the phrase "Eight (8) separate uses" with the phrase "Two (2) separate uses."

**SECTION 19: AMEND SECTION 426.A(4) TO CROSS-REFERECE THE DIMENSIONAL REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT FOR SHOPPING CENTERS**

Section 426.A(4) is hereby amended to read as follows.



- (4) All other bulk and area requirements of the underlying zoning district shall be met.

#### **SECTION 20: AMEND BUFFER YARD REQUIREMENTS FOR SHOPPING CENTERS**

Section 426.B shall be amended to read as follows.

B. Buffer yard requirements:

- (1) A buffer yard of an equivalent depth to the minimum setback of the underlying zoning district shall be provided where the site adjoins a residential use or zone.
- (2) The buffer yard shall be naturally landscaped with screening 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.

#### **SECTION 21: AMEND TITLE OF SECTION 429**

The title of Section 429 shall be amended to read as follows.

§429. Vehicle Service and Repair

#### **SECTION 22: AMEND THE SETBACK STANDARD FOR VEHICLE SERVICE AND REPAIR USES**

Section 429.A shall be amended by replacing the phrase "No vehicle sales, service, repair and body shop" with the phrase "No vehicle service or repair."

#### **SECTION 23: ADD USE REGULATIONS FOR VEHICLE SALES USES**

Article 4 shall be amended by adding the following as Section 429A.

"§ 429A. Vehicle Sales

- A. All exterior vehicle storage areas, which shall not include vehicle storage areas for vehicle service and repair, shall be screened from view of any adjoining residential use or district.
- B. Stored vehicles within a vehicle storage area for a vehicle sales use shall remain no longer than sixty (60) days from the date of arrival.
- C. The demolition or storage of junked vehicles is prohibited.

- D. Where the vehicle sales use includes vehicle service and repair as an accessory use, such accessory use shall meet the requirements of Section 429."

#### **SECTION 24: REMOVE SPECIFIC SETBACK STANDARDS FOR VEHICLE WASHING FACILITIES**

Section 430 shall be amended by removing Subsection A, and by renumbering Subsections B through D as Subsections A through C.

#### **SECTION 25: AMEND NO-IMPACT HOME-BASED BUSINESS STANDARDS TO INCLUDE SPECIFIC ADDITIONAL STANDARDS FOR OWNER OPERATORS AND CONTRACTORS**

Section 445 shall be amended by adding the following.

- I. Owner Operator: Within the RC District, an Owner Operator trucking business may be considered to be a No-Impact Home-Based Business provided the business complies with the following standards in addition to those listed in Sections 445.A through 442.H above.
- (1) An Owner Operator trucking business shall be limited to one (1) truck and/or one (1) trailer.
  - (2) The parking area for the truck and/or trailer shall be provided with vegetative screening. The screening shall be located around the perimeter of the parking area not already bounded by a building.
  - (3) The driveway serving the Owner Operator trucking business shall be upgraded to ensure appropriate access and egress for the truck and/or trailer.
  - (4) The Owner Operator trucking business shall not include fuel storage, nor shall any combustible or hazardous materials be brought to or located on the site.
- J. Contractors: Contractors may be considered to be a No-Impact Home-Based Business provided the business complies with the following standards in addition to those listed in Sections 445.A through 442.H above.
- (1) For the purposes of this section, contractors are deemed to include building contractors, and yard and property maintenance contractors.
  - (2) The contractor shall be limited to the material and equipment that can be carried on one (1) truck and/or one (1) trailer.
  - (3) The parking area for the truck and/or trailer shall be provided with vegetative screening. The screening shall be located around the perimeter of the parking area not already bounded by a building.



(4) Any equipment associated with the contractor shall be stored within a building when not loaded on the truck and/or trailer.

(5) The driveway serving the contractor business shall be upgraded to ensure appropriate access and egress for the truck and/or trailer.

(6) The contractor business shall not include fuel storage, nor shall any combustible or hazardous materials be brought to or located on the site.

#### **SECTION 26: AMEND THE MEASUREMENT AT WHICH THE NON-RESIDENTIAL BUILDING DESIGN STANDARDS ARE APPLIED**

In the introductory paragraph of Section 613, the term "building coverage" with the term "building footprint."

#### **SECTION 27: AMEND THE LANDSCAPING OF PARKING FACILITIES STANDARDS**

Section 705.B(2) shall be amended to read as follows.

(2) Interior landscaping shall be provided for any parking area of one-half acres or more. The area of the parking lot shall be calculated to include all areas within the perimeter of the parking lot, and shall specifically include all parking spaces, access drives, parking aisles, terminal islands, divider strips, and curb areas. Such interior landscaping shall meet the following requirements and the design requirements set forth in the Berwick Township Subdivision and Land Development Ordinance.

(a) Terminal islands shall be installed at the end of each aisle of parking to provide for interior parking lot landscaping and to assist in defining automobile circulation within the parking lot.

(b) Each terminal island shall measure not less than five (5) feet in width and fifteen (15) feet in length for a single aisle of parking spaces or thirty (30) feet in length for adjoining aisles of parking spaces.

(c) One (1) tree shall be planted in any terminal island provided for a single aisle of parking spaces. Two (2) trees shall be planted in any terminal island provided for adjoining aisles of parking spaces.

(d) No landscaping areas outside of the parking lot, such as the lawn area and areas surrounding the building, shall not constitute interior landscaping for a parking lot as may be required by this Section.

#### **SECTION 28: REMOVE ACCESS DRIVE WIDTH STANDARDS FROM THE LOADING FACILITIES STANDARDS SECTION**

Section 708.B(2) is hereby removed.

**SECTION 29: RENUMBER SECTION 708.B(3) AND AMEND LOADING SPACE STANDARDS**

Section 708.B(3) is hereby renumbered as Section 708.B(2), and shall be amended to read as follows.

- (2) Each loading space shall be located in a manner where the space does not conflict with parking and vehicle and pedestrian movements within and outside the lot.

**SECTION 30: ADD NEW SECTION 708.B(3) TO ESTABLISH ADDITIONAL LOADING SPACE LOCATION AND ACCESS STANDARDS**

Section 708.B shall be amended by adding the following as Subsection (3).

- (3) Where only one (1) loading space is required, said loading space may be located within an access drive provided that provided that the location complies with Section 708.B(2). Where two (2) or more loading spaces are required, said loading spaces shall be located within a designated loading area, where the loading spaces and the maneuvering area necessary to serve the loading spaces comply with Section 708.B(2).

**SECTION 31: REPEALER**

All provisions of the Berwick Township Zoning Ordinance are hereby revised and amended, as necessary and appropriate, in order to insure and confirm consistency thereof with the provisions of the present Ordinance. Any Ordinance or Resolution, or any portion of any Ordinance or Resolution, or any portion of the Berwick Township Zoning Ordinance, which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed insofar as the same is affected by or inconsistent with the provisions of the present Ordinance.

**SECTION 32: SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the present Ordinance.

**SECTION 33: EFFECTIVE DATE**

The Ordinance shall be effective on and as of 12:00 AM, Feb 22, 2020.<sup>1</sup>

ENACTED AND ORDAINED into an Ordinance this 16 day of July, 2020.<sup>1</sup>

ATTEST:

TOWNSHIP OF BERWICK



ADAMS COUNTY,  
PENNSYLVANIA

BOARD OF SUPERVISORS OF  
BERWICK TOWNSHIP

Jean A. Finkbaker

(SEAL)

[Signature]

Thomas J. Cannon

Benny Lockley

[Signature]

Edo Blatz