

## **ORDINANCE NO. 2023-02**

### **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: REVISE DEFINITIONS IN SECTION 201**

Section 201 shall be amended by revising the following definitions to read as follows.

**BUFFER** – An area open to the sky, generally established as a minimum distance from a property line or a property feature, within which the construction of any structure is prohibited and within which screening can be installed.

**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.
- C. Land Development does not include the following.
  - 1. Personal use buildings with a building footprint of one thousand (1,000) square feet or less.
  - 2. Agricultural buildings with a building footprint of five thousand (5,000) square feet or less.

**LANDSCAPE COVERAGE** – The percentage of lot area covered by lawns, trees, plants, and other natural material or vegetative features.

LOT COVERAGE – The percentage of lot area of all buildings, paved surfaces, stoned surfaces (not including ornamental stone surfaces used as part of a landscaping plan), paved or stoned driveways, and any other features and surfaces that are not included as Landscape Coverage.

SCREENING – The placement of vegetation and/or fencing, generally within a designated buffer, to soften, shield, or obscure views between adjoining properties or of a specified property feature.

## **SECTION 2: REMOVE DEFINITIONS FROM SECTION 201**

Section 201 shall be amended by removing the following definitions.

IMPERVIOUS SURFACE

## **SECTION 3: ADD DEFINITIONS TO SECTION 201**

AGRICULTURE – The use of a tract of land for the purpose(s) of commercial production and preparation for market of crops, livestock, and livestock products and/or in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities.

AGRICULTURAL BUILDING – A structure utilized to store farm implements, hay, feed, grain, or other agricultural or horticultural products; to house poultry, livestock or other farm animals; a milk house; and a structure used to grow mushrooms, agricultural, or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

AGRICULTURAL PRODUCT – Any of the range of crop and livestock commodities grown or produced as a result of the conduct of an agricultural use.

AGRICULTURAL USE – A use involving an occupation, employment, or enterprise involving the commercial production and preparation for market of agricultural products.

COMMERCIAL USE – A use involving an occupation, employment, or enterprise that is conducted for profit by the owner, lessee, or licensee.

DECIDUOUS TREE – A tree that loses its leaves at the end of the growing season and that becomes dormant during the winter.

EVERGREEN TREE -- A woody perennial which retains its foliage for more than one growing season and which features a mature height of at least fifteen (15) feet and a height at planting of at least five (5) feet.

HEDGE – A boundary formed by closely growing bushes or shrubs.



MAJOR DECIDUOUS TREE – A deciduous tree with a mature height exceeding twenty-five (25) feet and a minimum caliper at the time of planting in excess of two (2) inches.

MINOR DECIDUOUS TREE – A deciduous tree with a mature height of between ten (10) feet and twenty-five (25) feet and a minimum caliper at the time of planting of between one (1) inch and two (2) inches.

PERSONAL USE BUILDING – A building erected on an otherwise vacant property for the sole use and enjoyment of the property owner and for no other commercial, business, investment, or similar purpose.

#### **SECTION 4: AMEND SECTION 301.B(1) TO ALLOW ACCESSORY BUILDINGS ON VACANT LOTS AS AN ACCESSORY USE IN THE RC DISTRICT**

Section 301.B(1) shall be amended by adding the following to the Accessory Uses portion of the Use Table.

Personal Use Building on Vacant Lot and not Associated with Established Principal Use	SE	Section 455
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#### **SECTION 5: AMEND THE INTRODUCTORY STATEMENT OF SECTION 301.C TO CLARIFY APPLICATION OF THIS SECTION**

The introductory statement of Section 301.C shall be amended to read as follows.

C. Area and Dimensional Requirements: The following standards shall comprise the area and dimensional standards for the RC District. Uses shall meet the following area and dimensional standards unless Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

#### **SECTION 6: AMEND SECTION 301.C(2)(c) TO CLARIFY THE MINIMUM LOT AREA AND LOT WIDTH ADJUSTMENT STANDARDS**

Section 301.C(2)(c) shall be amended to read as follows.

(c) Minimum Lot Size and Width Adjustments: For lots / uses that are proposed to be served by on-lot septic systems, the Zoning Officer may, upon recommendation of the Berwick Township Sewage Enforcement Officer, require lot sizes and lot widths in excess of those established herein when additional lot area and lot width is necessary to accommodate the on-lot septic system. When additional lot area and lot width is required, the addition lot area and lot width shall be the minimum addition area and width required to allow the on-lot septic system to be located and to function in accordance with applicable regulations of the Township and of the Pennsylvania Department of Environmental Protection.

**SECTION 7: AMEND SECTION 301.C TO ADD VARIOUS DIMENSIONAL STANDARDS**

Section 301.C shall be amended by adding the following.

- (4) Maximum Lot Coverage: Twenty-five percent (25%).
- (5) Minimum Landscape Coverage: Seventy-five percent (75%).
- (6) Maximum Height: Thirty-five (35) feet.
- (7) The area and dimensional standards may be increased as necessary to accommodate applicable requirements of Articles 6 and 7, as well as design requirements of the Berwick Township Subdivision and Land Development Ordinance.

**SECTION 8: AMEND SECTION 302.B(1) TO ALLOW ACCESSORY BUILDINGS ON VACANT LOTS AS AN ACCESSORY USE IN THE RR DISTRICT**

Section 302.B(1) shall be amended by adding the following to the Accessory Uses portion of the Use Table.

Personal Use Building on Vacant Lot and not Associated with Established Principal Use	SE	Section 455
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**SECTION 9: AMEND THE INTRODUCTORY STATEMENT OF SECTION 302.C TO CLARIFY APPLICATION OF THIS SECTION**

The introductory statement of Section 302.C shall be amended to read as follows.

C. Area and Dimensional Requirements: The following standards shall comprise the area and dimensional standards for the RR District. Uses shall meet the following area and dimensional standards unless Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

**SECTION 10: AMEND SECTION 302.C(2)(c) TO CLARIFY THE MINIMUM LOT AREA AND LOT WIDTH ADJUSTMENT STANDARDS**

Section 302.C(2)(c) shall be amended to read as follows.

(c) Minimum Lot Size and Width Adjustments: For lots / uses that are proposed to be served by on-lot septic systems, the Zoning Officer may, upon recommendation of the Berwick Township Sewage Enforcement Officer, require lot sizes and lot widths in excess of those established herein when additional lot area and lot width is necessary to accommodate the on-lot



septic system. When additional lot area and lot width is required, the addition lot area and lot width shall be the minimum addition area and width required to allow the on-lot septic system to be located and to function in accordance with applicable regulations of the Township and of the Pennsylvania Department of Environmental Protection.

#### **SECTION 11: AMEND SECTION 302.C TO ADD VARIOUS DIMENSIONAL STANDARDS**

Section 302.C shall be amended by adding the following.

- (4) Maximum Lot Coverage: Thirty percent (30%).
- (5) Minimum Landscape Coverage: Seventy percent (70%).
- (6) Maximum Height: Thirty-five (35) feet.
- (7) The area and dimensional standards may be increased as necessary to accommodate applicable requirements of Articles 6 and 7, as well as design requirements of the Berwick Township Subdivision and Land Development Ordinance.

#### **SECTION 12: AMEND SECTION 303.B(1) TO ALLOW ACCESSORY BUILDINGS ON VACANT LOTS AS AN ACCESSORY USE IN THE R-1 DISTRICT**

Section 303.B(1) shall be amended by adding the following to the Accessory Uses portion of the Use Table.

Personal Use Building on Vacant Lot and not Associated with Established Principal Use	SE	Section 455
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#### **SECTION 13: AMEND THE INTRODUCTORY STATEMENT OF SECTION 303.C TO CLARIFY APPLICATION OF THIS SECTION**

The introductory statement of Section 303.C shall be amended to read as follows.

C. Area and Dimensional Requirements: The following standards shall comprise the area and dimensional standards for the R-1 District. Uses shall meet the following area and dimensional standards unless Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

#### **SECTION 14: AMEND TABLE 303-1 TO REVISE THE MAXIMUM LOT COVERAGE STANDARD**

Table 303-1 shall be amended by revising the "Maximum Lot Coverage (percent)" row to read as follows.

Maximum Lot Coverage	35%	35%
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**SECTION 15: AMEND TABLE 303-1 BY ADDING VARIOUS DIMENSIONAL STANDARDS**

Table 303-1 shall be amended by adding the following rows.

Minimum Landscape Coverage	65%	65%
Maximum Height (feet)	35	35

**SECTION 16: AMEND SECTION 303.C TO ADD VARIOUS DIMENSIONAL STANDARDS**

Section 303.C shall be amended by adding the following.

(2) Minimum Lot Size and Width Adjustments: For lots / uses that are proposed to be served by on-lot septic systems, the Zoning Officer may, upon recommendation of the Berwick Township Sewage Enforcement Officer, require lot sizes and lot widths in excess of those established herein when additional lot area and lot width is necessary to accommodate the on-lot septic system. When additional lot area and lot width is required, the addition lot area and lot width shall be the minimum addition area and width required to allow the on-lot septic system to be located and to function in accordance with applicable regulations of the Township and of the Pennsylvania Department of Environmental Protection.

**SECTION 17: AMEND TABLE 303-1 BY REMOVING FOOTNOTE [i]**

Table 303-1 shall be amended by removing Footnote [i] and all references in the table to Footnote [i].

**SECTION 18: AMEND SECTION 304.B(1) TO ALLOW ACCESSORY BUILDINGS ON VACANT LOTS AS AN ACCESSORY USE IN THE R-2 DISTRICT**

Section 304.B(1) shall be amended by adding the following to the Accessory Uses portion of the Use Table.

Personal Use Building on Vacant Lot and not Associated with Established Principal Use	SE	Section 455
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**SECTION 19: AMEND SECTION 304.B BY ADDING A PUBLIC WATER AND PUBLIC SEWER REQUIREMENT FOR VARIOUS RESIDENTIAL USES**

Section 304.B shall be amended by adding the following.



- (5) All residential uses other than single-family detached dwellings shall be served by public water and public sewer systems.

**SECTION 20: AMEND THE INTRODUCTORY STATEMENT OF SECTION 304.C TO CLARIFY APPLICATION OF THIS SECTION**

The introductory statement of Section 304.C shall be amended to read as follows.

C. Area and Dimensional Requirements: The following standards shall comprise the area and dimensional standards for the R-2 District. Uses shall meet the following area and dimensional standards unless Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

**SECTION 21: AMEND SECTION 304.C(2) TO CLARIFY DIMENSIONAL STANDARDS**

Section 304.C shall be amended to read as follows.

- (2) Minimum Lot Size and Width Adjustments: For lots / uses that are proposed to be served by on-lot septic systems, the Zoning Officer may, upon recommendation of the Berwick Township Sewage Enforcement Officer, require lot sizes and lot widths in excess of those established herein when additional lot area and lot width is necessary to accommodate the on-lot septic system. When additional lot area and lot width is required, the addition lot area and lot width shall be the minimum addition area and width required to allow the on-lot septic system to be located and to function in accordance with applicable regulations of the Township and of the Pennsylvania Department of Environmental Protection.

**SECTION 22: AMEND TABLE 304-1 TO REVISE VARIOUS DIMENSIONAL STANDARDS**

Table 304-1 shall be amended, in its entirety, to read as follows.

**TABLE 304-1  
AREA AND DIMENSIONAL REQUIREMENTS**

Requirement by Type of Unit				
Regulation	Single-Family Detached and Nonresidential Uses	Single-Family Semi-Detached (Duplex)	Two-Family Attached	Single-Family Attached (Townhouses)
Minimum Lot Area per Dwelling Unit (sq. ft.)				
Lots Served by Both Public Sewer and Public Water	10,000	8,000	5,000	4,500

Lots Served by Neither Public Water nor Public Sewer	43,560	Not Applicable	Not Applicable	Not Applicable
<b>Minimum Lot Width per Dwelling Unit (feet)</b>				
Lots Served by Both Public Sewer and Public Water	85	60	45	Interior Unit: 20 Corner Unit: 40
Lots Served by Neither Public Water nor Public Sewer	100	Not Applicable	Not Applicable	Not Applicable
<b>Minimum Setbacks (feet)</b>				
Front Yard	25	25	25	25
Side Yard (as amended by Ordinance 64 of 2006, § IX)	10	10	10	End Unit – One Side Yard: 10
Rear Yard	10	10	10	10
<b>Maximum Number of Dwelling Units per Building</b>				
	1	2	2	6 [i]
<b>Maximum Lot Coverage</b>				
Lots Served by Both Public Sewer and Public Water	50%	65%	65%	75%
Lots Served by Neither Public Water nor Public Sewer	35%	Not Applicable	Not Applicable	Not Applicable
<b>Minimum Landscape Coverage</b>				
Lots Served by Both Public Sewer and Public Water	50%	35%	35%	25%
Lots Served by Neither Public Water nor Public Sewer	65%	Not Applicable	Not Applicable	Not Applicable
<b>Maximum Height (feet)</b>				
	35	35	35	35
<b>Minimum Building Spacing (feet)</b>				
Front to Front	Not Applicable	Not Applicable	Not Applicable	50
Front to Side	Not Applicable	Not Applicable	Not Applicable	50
Front to Rear	Not Applicable	Not Applicable	Not Applicable	100



Side to Side	Not Applicable	Not Applicable	Not Applicable	20
Side to Rear	Not Applicable	Not Applicable	Not Applicable	20
Rear to Rear	Not Applicable	Not Applicable	Not Applicable	50

[i] Maximum number of attached townhouses.

**SECTION 23: AMEND SECTION 305.B(1) TO ALLOW ACCESSORY BUILDINGS ON VACANT LOTS AS AN ACCESSORY USE IN THE R-3 DISTRICT**

Section 305.B(1) shall be amended by adding the following to the Accessory Uses portion of the Use Table.

Personal Use Building on Vacant Lot and not Associated with Established Principal Use	SE	Section 455
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**SECTION 24: AMEND SECTIONS 305.C THROUGH 305.F TO REVISE DEVELOPMENT DESIGN AND DIMENSIONAL STANDARDS**

Sections 305.C through 305.F shall be revised, in their entirety, to read as follows.

**C. Development Options**

(1) All parcels greater than twenty-five (25) acres, as of the effective date of this Ordinance, shall develop in accordance with Section 305.D and 305.E.

(2) All parcels less than or equal to twenty-five (25) acres as of the effective date of this Ordinance shall have the option to develop in accordance with Section 305.D and 305.E, or as a single family detached residential development in accordance with the requirements of the R-1 District.

**D. Performance and Site Design Standards**

(1) Performance Standards. The tract as a whole shall meet the standards prescribed in Table 305-1. 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**

Performance Measure	Standard
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
Public Sewer and Water Service	Required

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.	

(2) 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.

(a) A site plan which illustrates the following:

- (1) All natural resources as needed to develop the site capacity calculation, including the location of woodlands.
- (2) All existing easements and utility right-of-way.

(b) Site capacity calculations shall determine the maximum number of dwelling units or lots allowed per tract.

- (1) For those developments which include nonresidential uses the maximum number may be a combination of dwelling units and nonresidential lots but under no circumstances shall the number of dwelling units plus nonresidential lots exceed the maximum number.
- (2) The calculations of Table 305-2 shall be performed for each tract.

**Table 305-2**  
**SITE CAPACITY CALCULATIONS**

Calculation Description	Worksheet
Step 1: Base site area – Subtract the total site area minus existing utility rights-of-way; and easements	<div>Total Site Area</div> <div>Base Site Area</div> <div>_____ acres</div> <div>- _____ acres</div> <div>= _____ acres</div>



	Resource	Open Space Ratio	Acres of Land in Resources	Resource Protection Land
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 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	Floodplains	100% x	=	
	Wetlands	100% x	=	
	Steep Slopes (20% or more)			
	Lake or pond shorelines	80% x	=	
	Wetland Margins	70% x	=	
	Total	80% x	=	
Step 3. Standard minimum open space – Multiply base site area (Step 1) by the minimum open space requirement (40%)	Base Site Area		_____ acres	
	Minimum open space ration	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	
	Net buildable site area	-	_____ acres	
Step 6: Maximum number of dwelling units (5 units / acre)			_____ acres	
	Base site area		_____ acres	
	Maximum density for district			
	Maximum number of dwelling units permitted.	x	5 units/acre	
				_____ units

(3) 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 performance and design standards.

- (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 Table 305-1.
  - 3. Neighborhood service centers shall include a combination of different uses listed in Section 305.B.
- (c) Buildings in the neighborhood service center may be either detached (a 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).
- (d) Buildings in the institutional center and place of assembly may be either detached (a 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).
- (e) All off-street parking shall be in the rear yards.
- (f) 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.
- (g) 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.
- (4) Street Configuration: All lots shall be provided access by an interior street network.
- (5) Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations.
- (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.

E. Area and Dimensional Requirements

- (1) Area and Dimensional Requirements – Residential Uses: The following standards in Table 305-3 shall comprise the area and dimensional standards for residential uses in the R-3 District. Uses shall meet the following area and dimensional standards unless

Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

**Table 305-3**  
**RESIDENTIAL USE: AREA AND DIMENSIONAL REQUIREMENTS**

Regulation	Requirement by Type of Unit				
	Single-Family Detached	Single-Family Semi-Detached (duplex)	Two-Family Attached	Single-Family Attached (town-houses)	Multiplex (Garden Apartments)
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	1	2	2	6 [ii]	16

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[i] Minimum lot width per building

[ii] Maximum number of attached townhouses  
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(2) Area and Dimensional Requirements – Neighborhood Service Center: The following standards in Table 305-4 shall comprise the area and dimensional standards for neighborhood service center uses in the R-3 District. Uses shall meet the following area and dimensional standards unless Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

**Table 305-4**  
**NEIGHBORHOOD SERVICE CENTER: AREA AND DIMENSIONAL REQUIREMENTS**

Regulation	Requirement	
	Detached Buildings	Attached Buildings
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

(3) Area and Dimensional Requirements – Institutional Center and Places of Assembly Uses: The following standards in Table 305-5 shall comprise the area and dimensional standards for institutional center and places of assembly uses in the R-3 District. Uses shall meet the following area and dimensional standards unless Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

**Table 305-5**  
**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

(4) Minimum Lot Size and Width Adjustments: For lots / uses that are proposed to be served by on-lot septic systems, the Zoning Officer may, upon recommendation of the Berwick Township Sewage Enforcement Officer, require lot sizes and lot widths in excess of those established herein when additional lot area and lot width is necessary to accommodate the on-lot septic system. When additional lot area and lot width is required, the addition lot area and lot width shall be the minimum addition area and width required to allow the on-lot septic system to be located and to function in accordance with applicable regulations of the Township and of the Pennsylvania Department of Environmental Protection.

## **SECTION 25: AMEND SECTION 306.B(1) TO ALLOW ACCESSORY BUILDINGS ON VACANT LOTS AS AN ACCESSORY USE IN THE LMU DISTRICT**

Section 306.B(1) shall be amended by adding the following to the Accessory Uses portion of the Use Table.

Personal Use Building on Vacant Lot and not Associated with Established Principal Use	SE	Section 455
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**SECTION 26: AMEND THE INTRODUCTORY STATEMENT OF SECTION 306.D TO CLARIFY APPLICATION OF THIS SECTION**

The introductory statement of Section 306.D shall be amended to read as follows.

D. Area Requirements: The following standards shall comprise the area standards for the LMU District. Uses shall meet the area standards established in Table 306-1 unless Article 4, Use Regulations establishes area standards for a specific use, in which case the area standards of Article 4 shall apply.

**SECTION 27: AMEND TABLE 306-1 TO REMOVE FOOTNOTE [i]**

Table 306-1 shall be amended by removing Footnote [i] and all references in the table to Footnote [i].

**SECTION 28: AMEND THE INTRODUCTORY STATEMENT OF SECTION 306.E TO CLARIFY APPLICATION OF THIS SECTION**

The introductory statement of Section 306.E shall be amended to read as follows.

E. Area Requirements: The following standards shall comprise the dimensional standards for the LMU District. Uses shall meet the dimensional standards unless Article 4, Use Regulations establishes dimensional standards for a specific use, in which case the dimensional standards of Article 4 shall apply.

**SECTION 29: AMEND SECTION 306.E.1(b)(1) TO REVISE THE STANDARD FOR LOTS WITH PUBLIC SEWER AND PUBLIC WATER**

Section 306.E.1(b)(1) shall be amended to read as follows.

(1) Minimum Lot Width for Residential Lots served by both public water and public sewer: Eighty-five (85) feet.

**SECTION 30: AMEND SECTION 306.E.1(b)(2) TO REVISE THE STANDARD FOR LOTS WITHOUT PUBLIC SEWER OR PUBLIC WATER**

Section 306.E.1(b)(2) shall be amended to read as follows.

2. Minimum Lot Width for Residential Lots served by neither public water nor public sewer: One hundred (100) feet.



**SECTION 31: AMEND SECTION 306.E.2 TO REVISE SIDE AND REAR SETBACK STANDARDS**

Section 306.E.2 shall be amended to read as follows.

2. Minimum side and rear setback requirement.
  - a. Side yard: Twenty (20) feet.
  - b. Rear yard: Twenty-five (25) feet.

**SECTION 32: AMEND SECTION 306.E.3 TO REVISE THE LOT COVERAGE STANDARD**

Section 306.E.3 shall be amended to read as follows.

3. Maximum lot coverage: Fifty percent (50%).

**SECTION 33: AMEND SECTION 306.E.4 TO REVISE THE LANDSCAPE COVERAGE STANDARD**

Section 306.E.4 shall be amended to read as follows.

4. Minimum landscape coverage: Fifty percent (50%).

**SECTION 34: AMEND SECTION 306.E TO ADD A MAXIMUM HEIGHT STANDARD**

Section 306.E shall be amended by adding the following.

5. Maximum Height: Thirty-five (35) feet.

**SECTION 35: AMEND SECTION 306.F(5) TO CLARIFY APPLICATION OF THIS SECTION**

Section 306.F(5) shall be amended to read as follows.

- (5) Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations.

**SECTION 36: AMEND SECTION 306 BY ADDING SUBSECTION H TO CLARIFY THE MINIMUM LOT AREA AND MINIMUM LOT WIDTH ADJUSTMENT STANDARD**

Section 306 shall be amended by adding Subsection H to read as follows.

H. Minimum Lot Size and Width Adjustments: For lots / uses that are proposed to be served by on-lot septic systems, the Zoning Officer may, upon recommendation of the Berwick Township Sewage Enforcement Officer, require lot sizes and lot widths in excess of those established herein when additional lot area and lot width is necessary to accommodate the on-lot septic system. When additional lot area and lot width is required, the addition lot area and lot width shall be the minimum addition area and width required to allow the on-lot septic system to be located and to function in accordance with applicable regulations of the Township and of the Pennsylvania Department of Environmental Protection.

**SECTION 37: AMEND SECTION 307.B(1) TO ALLOW ACCESSORY BUILDINGS ON VACANT LOTS AS AN ACCESSORY USE IN THE HC DISTRICT**

Section 307.B(1) shall be amended by adding the following to the Accessory Uses portion of the Use Table.

Personal Use Building on Vacant Lot and not Associated with Established Principal Use	SE	Section 455
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**SECTION 38: AMEND THE INTRODUCTORY STATEMENT OF SECTION 307.C TO CLARIFY APPLICATION OF THIS SECTION**

The introductory statement of Section 307.C shall be amended to read as follows.

C. Area and Dimensional Requirements: The following standards shall comprise the area and dimensional standards for the HC District. Uses shall meet the area and dimensional standards unless Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

**SECTION 39: AMEND SECTION 307.C(1) TO CLARIFY THE MINIMUM LOT AREA AND MINIMUM LOT WIDTH ADJUSTMENT STANDARD**

Section 307.C(1) shall be amended to read as follows.

(1) Minimum Lot Area and Lot Width

(a) Minimum Lot Area: Thirty thousand (30,000) square feet.

(b) Minimum Lot Width

[1] Two hundred (200) feet if access is from an arterial street.

[2] One hundred (100) feet if access is from any street other than an arterial street.



(c) Minimum Lot Size and Width Adjustments: For lots / uses that are proposed to be served by on-lot septic systems, the Zoning Officer may, upon recommendation of the Berwick Township Sewage Enforcement Officer, require lot sizes and lot widths in excess of those established herein when additional lot area and lot width is necessary to accommodate the on-lot septic system. When additional lot area and lot width is required, the addition lot area and lot width shall be the minimum addition area and width required to allow the on-lot septic system to be located and to function in accordance with applicable regulations of the Township and of the Pennsylvania Department of Environmental Protection.

**SECTION 40: AMEND SECTION 307.C.2 TO REVISE THE LOT COVERAGE STANDARD**

Section 307.C.2 shall be amended to read as follows.

2. Maximum lot coverage: Sixty-five percent (65%).

**SECTION 41: AMEND SECTION 307.C(4) BY REMOVING THE LANDSCAPING REQUIREMENT ASSOCIATED WITH THIS SECTION**

Section 307.C shall be amended by removing Subsection (4).

**SECTION 42: AMEND SECTION 307.C TO ADD DIMENSIONAL STANDARDS**

Section 307.C shall be amended by adding the following.

4. Minimum Landscape Coverage: Thirty-five percent (35%).
5. Maximum Height: Forty-five (45) feet.

**SECTION 43: AMEND SECTION 307.D(3) TO CLARIFY APPLICATION OF THIS SECTION**

Section 307.D(3) shall be amended to read as follows.

- (3) Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations.

**SECTION 44: AMEND SECTION 308.B(1) TO ALLOW ACCESSORY BUILDINGS ON VACANT LOTS AS AN ACCESSORY USE IN THE EC DISTRICT**

Section 308.B(1) shall be amended by adding the following to the Accessory Uses portion of the Use Table.

Personal Use Building on Vacant Lot and not Associated with Established Principal Use	SE	Section 455
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**SECTION 45: AMEND SECTION 308.B TO CLARIFY APPLICABILITY OF BUFFER AND SCREENING REQUIREMENTS**

Section 308.B shall be amended by adding the following.

- (5) Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations.

**SECTION 46: AMEND THE INTRODUCTORY STATEMENT OF SECTION 308.C TO CLARIFY APPLICATION OF THIS SECTION**

The introductory statement of Section 308.C shall be amended to read as follows.

C. Area and Dimensional Requirements: The following standards shall comprise the area and dimensional standards for the EC District. Uses shall meet the area and dimensional standards unless Article 4, Use Regulations establishes area and dimensional standards for a specific use, in which case the area and dimensional standards of Article 4 shall apply.

**SECTION 47: AMEND SECTION 308.C(1) TO CLARIFY THE MINIMUM LOT AREA AND MINIMUM LOT WIDTH ADJUSTMENT STANDARD**

Section 308.C(1) shall be amended to read as follows.

- (1) Minimum Lot Area and Lot Width
- (a) Minimum Lot Area: Three (3) acres.
  - (b) Minimum Lot Width: Two hundred fifty (250) feet.
  - (c) Minimum Lot Size and Width Adjustments: For lots / uses that are proposed to be served by on-lot septic systems, the Zoning Officer may, upon recommendation of the Berwick Township Sewage Enforcement Officer, require lot sizes and lot widths in excess of those established herein when additional lot area and lot width is necessary to accommodate the on-lot septic system. When additional lot area and lot width is required, the addition lot area and lot width shall be the minimum addition area and width required to allow the on-lot septic system to be located and to function in accordance with applicable regulations of the Township and of the Pennsylvania Department of Environmental Protection.

**SECTION 48: AMEND SECTION 308.C(2) TO REVISE THE LOT COVERAGE STANDARD**

Section 308.C(2) shall be amended to read as follows.



2. Maximum Lot Coverage: Seventy-five percent (75%).

**SECTION 49: AMEND SECTION 308.C(3) TO REMOVE THE BUFFER YARD REQUIREMENT OF THIS SECTION**

Section 308.C(3) shall be amended by removing Subsection (c) in its entirety.

**SECTION 50: AMEND SECTION 308.C TO REMOVE THE LANDSCAPING REQUIREMENT OF THIS SECTION**

Section 308.C shall be amended by removing Subsection (4).

**SECTION 51: RENUMBER SECTION 308.C(5) AS SECTION 308.C(4)**

Section 308.C shall be amended by renumbering Subsection (5) as Subsection (4).

**SECTION 52: AMEND SECTION 308.C TO ADD A MINIMUM LANDSCAPE COVERAGE STANDARD**

Section 308.C shall be amended by adding the following as a new Subsection (5).

5. Minimum Landscape Coverage: Twenty-five percent (25%).

**SECTION 53: AMEND SECTION 308.F BY REMOVING PARKING LOT LANDSCAPING AND BUFFER STANDARDS**

Section 308.F shall be amended by removing Subsection (1).

**SECTION 54: AMEND SECTION 308.F BY RENUMBERING SUBSECTIONS (2) THROUGH (4)**

Section 308.F shall be amended by renumbering Subsections (2) through (4) as Subsections (1) through (3).

**SECTION 55: AMEND SECTION 403 BY ADDING SUBSECTIONS B(5)(e) and B(5)(f) TO ESTABLISH REGULATIONS FOR SMALL SHED**

(e) One (1) accessory building (shed) shall be permitted on an individual mobile home lot where all or part of the accessory building (shed) is proposed to be placed within the areas between two (2) and ten (10) feet from side and rear mobile home lot lines. Such sheds shall be subject to the following dimensional standards.

- (1) Sheds shall be located at least two (2) feet from any side or rear mobile home lot line.

(2) Sheds shall be subject to a maximum building area of one hundred (100) square feet.

(f) Accessory buildings, including sheds, located in compliance with the setback requirements of Section 403.B(5)(b) and 403.B(5)(c) above shall not be limited in terms of number, provides that the mobile home lot remains in compliance with the dimensional requirements of Section 403.B as a whole.

**SECTION 56: AMEND SECTION 403 BY RENUMBERING SUBSECTIONS E AND F**

Section 403 shall be amended by renumbering Subsections E and F as Subsections F and G.

**SECTION 57: AMEND RENUMBERED SECTION 403.F TO ENABLE THE ZONING HEARING BOARD TO DETERMINE MOBILE HOME PLACEMENT WITHIN MOBILE HOME PARKS.**

Renumbered Section 403.F shall be amended to read as follows.

F. The Zoning Hearing Board 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.

**SECTION 58: AMEND SECTION 403 TO ESTABLISH SETBACK REQUIREMENTS FOR OUTDOOR PLAY AREAS IN MOBILE HOME PARKS**

Section 403 shall be amended by adding a new Subsection E to read as follows.

E. All outdoor play areas shall be set back one hundred (100) feet from any property line. Such outdoor play areas shall be used exclusively by registered guests and their visitors.

**SECTION 59: AMEND SECTION 408.A TO REVISE MINIMUM LOT AREA AND MINIMUM LOT COVERAGE STANDARDS FOR CAMPGROUNDS**

Section 408.A shall be amended to read as follows.

A. Minimum lot area shall be fifteen (15) acres. Maximum lot coverage shall be twenty-five percent (25%). Minimum vegetative coverage shall be seventy-five percent (75%).

**SECTION 60: AMEND SECTION 408.F TO REVISE GARBAGE COLLECTION FACILITY SETBACK STANDARDS FOR CAMPGROUNDS**

Section 408.F shall be revised to read as follows.



F. All campgrounds shall furnish centralized sanitary and garbage collection facilities. Such facilities shall be set back a minimum of one hundred (100) feet from any property line.

**SECTION 61: AMEND SECTION 408 TO PROVIDE BUFFER AND SCREENING STANDARDS FOR CAMPGROUNDS**

Section 408 shall be amended by adding the following.

L. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the campground as a whole. In addition, buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for all outdoor play areas and for all centralized sanitary and garbage collections facilities.

**SECTION 62: AMEND SECTION 409 TO CLARIFY BUFFER AND SCREENING STANDARDS FOR COMMERCIAL OUTDOOR RECREATION**

Section 409.A shall be amended to read as follows.

A. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the commercial outdoor recreation use as a whole. In addition, buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for any overflow parking areas.

**SECTION 63: AMEND SECTION 409 TO REMOVE SCREENING REQUIREMENTS FOR OVERFLOW PARKING FOR COMMERCIAL OUTDOOR RECREATION**

Section 409.C shall be revised by removing Subsection (3).

**SECTION 64: AMEND SECTION 410.G TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR PARKING AND LOADING AREA FOR GOLF COURSES.**

Section 410.G shall be amended to read as follows.

G. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for all dumpsters and off-street parking and/or loading areas.

**SECTION 65: AMEND SECTION 412A C. TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR ACADEMIC CLINICAL RESEARCH CENTERS**

Section 412A C. shall be amended to read as follows.

C. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Academic Clinical Research Center use as a whole.

**SECTION 66: AMEND SECTION 417.F TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR BUSINESSES WITH DRIVE-THROUGH FACILITIES.**

Section 417.F shall be amended to read as follows.

F. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Business with Drive-Through Facilities use as a whole.

**SECTION 67: AMEND SECTION 418.B TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR COMMERCIAL GREENHOUSES AND NURSERIES.**

Section 418.B shall be amended to read as follows.

B. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Commercial Greenhouse and Nursery use as a whole.

**SECTION 68: AMEND SECTION 419.D TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR COMMERCIAL KENNELS.**

Section 419.D shall be amended to read as follows.

D. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Commercial Kennel use as a whole.

**SECTION 69: AMEND SECTION 420.E TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR CONVENIENCE STORES**

Section 420.E shall be amended to read as follows.

E. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Convenience Store use as a whole.

**SECTION 70: AMEND SECTION 424.B TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR HOTELS AND MOTELS.**

Section 424.B shall be amended to read, in its entirety, as follows.

B. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Hotel / Motel use as a whole.

**SECTION 71: AMEND SECTION 425.D TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR RETAIL WAREHOUSE OUTLETS**

Section 425.D shall be amended to read, in its entirety, as follows.

D. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Retail Warehouse Outlet use as a whole.



**SECTION 72: AMEND SECTION 426.B TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR SHOPPING CENTERS**

Section 426.B shall be amended to read, in its entirety, as follows.

B. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Shopping Center use as a whole.

**SECTION 73: AMEND SECTION 427.D TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR TAVERNS**

Section 427.D shall be amended to read, in its entirety, as follows.

D. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Tavern use as a whole.

**SECTION 74: AMEND SECTION 428.E TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR VEHICLE FUELING STATIONS.**

Section 428.E shall be amended to read as follows.

E. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Vehicle Fueling Station use as a whole.

**SECTION 75: AMEND SECTION 429.A BY REMOVING BUFFER STANDARDS**

Section 429.A shall be amended by removing Subsections (2) and (3).

**SECTION 76: AMEND SECTION 429.A BY RENUMBERING SUBSECTIONS (2) and (4)**

Section 429.A shall be amended by renumbering Subsection (4) and Subsection (2).

**SECTION 77: AMEND SECTION 429 BY ADDING BUFFER AND SCREENING STANDARDS**

Section 429 shall be amended by adding the following.

C. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Vehicle Service and Repair use as a whole. In addition, buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for any exterior vehicle storage areas, any temporary outdoor storage of tires, and any temporary outdoor storage of trash.

**SECTION 78: AMEND SECTION 430A J. TO CLARIFY BUFFER AND SCREENING STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES**

Section 430A.J shall be amended to read as follows.

J. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Medical Marijuana Dispensary use as a whole.

**SECTION 79: AMEND SECTION 432.A(2)(d) TO REMOVE REFERENCE TO BUFFER AND LANDSCAPING REVIEW.**

Section 432.A(2)(d) shall be amended to read as follows.

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

**SECTION 80: AMEND SECTION 432.J(2) TO CLARIFY BUFFER AND SCREENING STANDARDS FOR INDUSTRIAL AND BUSINESS PARKS**

Section 432.J(2) shall be amended to read, in its entirety, as follows.

(2) Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Industrial / Business Park use as a whole. In addition, buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for all parking lots and loading facilities.

**SECTION 81: AMEND SECTION 435.C TO CLARIFY BUFFER AND SCREENING STANDARDS FOR MINERAL RECOVERY OPERATIONS**

Section 435.C shall be amended to read as follows.

C. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Mining Recovery Operation use as a whole.

**SECTION 82: AMEND SECTION 438.G TO CLARIFY BUFFER AND SCREENING STANDARDS FOR SANITARY LANDFILLS AND INCINERATORS.**

Section 438.G shall be amended to read as follows.

G. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Sanitary Landfill or Incinerator use as a whole.

**SECTION 83: AMEND SECTION 439A.H. TO CLARIFY BUFFER AND SCREENING STANDARDS FOR MEDICAL MARIJUANA GROWER / PROCESSORS.**

Section 439A.H shall be amended to read as follows.



H. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Medical Marijuana Grower / Processor use as a whole.

**SECTION 84: AMEND SECTION 439A L. TO CLARIFY BUFFER AND SCREENING STANDARDS FOR SOLAR ENERGY PRODUCTION FACILITIES.**

Section 439A L shall be amended to read, in its entirety, as follows.

L. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Solar Energy Production Facility use as a whole.

**SECTION 85: AMEND SECTION 440B C. TO CLARIFY BUFFER AND SCREENING STANDARDS FOR WIRELESS COMMUNICATION FACILITIES – CO-LOCATION – OUTSIDE PUBLIC RIGHTS-OF-WAY.**

Section 440B.C shall be amended to read as follows.

C. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for the compound within which the facility and related equipment is located.

**SECTION 86: AMEND SECTION 440C I. TO CLARIFY BUFFER AND SCREENING STANDARDS FOR WIRELESS COMMUNICATION FACILITIES – TOWER BASED – OUTSIDE PUBLIC RIGHTS-OF-WAY.**

Section 440C I. shall be amended to read as follows.

I. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for the compound within which the facility and related equipment is located.

**SECTION 87: AMEND SECTION 442.C(3) TO CLARIFY BUFFER AND SCREENING STANDARDS FOR PUBLIC UTILITIES**

Section 442.C(3) shall be amended to read as follows.

(3) Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Public Utility use as a whole.

**SECTION 88: AMEND SECTION 444.E TO CLARIFY BUFFER AND SCREENING STANDARDS FOR HELISTOPS**

Section 444.E shall be amended to read as follows.

E. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Helistop use as a whole.

**SECTION 89: AMEND SECTION 444A E. TO CLARIFY BUFFER AND SCREENING STANDARDS FOR MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICES.**

Section 444A.E shall be amended to read as follows.

E. Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations for the Medical Marijuana Transport Vehicle Service use as a whole.

**SECTION 90: AMEND ARTICLE IV BY ADDING STANDARDS FOR ACCESSORY BUILDINGS ON VACANT LOTS.**

Article IV shall be amended by adding Section 455 to read as follows.

§ 455. Personal Use Building on Vacant Lot and not Associated with Established Principal Use

A. On a vacant lot with no established principal use, a maximum of one (1) personal use building may be constructed.

B. The personal use building shall only be permitted to be used by the property owner for personal use. The personal use building shall not be used for commercial purposes, or for any purpose that is related to a commercial use or uses on other properties.

C. The building shall not be leased to any other person for any purpose.

D. The maximum footprint of the accessory building shall be one thousand (1,000) square feet.

E. Dimensional Standards: The following dimensional standards shall be applied to the personal use building and lot.

1. The accessory building shall comply with the setback standards for accessory buildings as established in Section 601.C with the exception of the front yard standard of Section 601.C(2).

2. The personal use building shall comply with front setback and maximum height standards of the underlying zoning district.

3. The lot on which the personal use building is located shall comply with the maximum coverage standard of the underlying zoning district.

F. The personal use building shall not be served by or connected to a septic system or a water source. The accessory building may be connected to electrical service.



G. The personal use building shall be subject to annual inspection by the Zoning Officer to confirm that the use of the accessory building remains in compliance with the standards of this Section.

## **SECTION 91: AMEND SECTION 603.A TO REVISE THE HEIGHT REGULATIONS**

Section 603.A shall be amendment to read, in its entirety, as follows.

A. Height Regulations: The following height regulations shall apply throughout the Township.

- (1) Maximum height standards are established in each zoning district.
- (2) The maximum height standards do not apply to the following structures or projections, provided that such structures and projections are set back a horizontal distance at least equal to their height from any property line.
  - (a) Wireless communications towers, water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills (including wind turbines), flagpoles, or other similar structures.
  - (b) Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances, provided that such structures do not cover more than twenty-five percent (25%) 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.

## **SECTION 92: REVISE BUFFER AND SCREENING REQUIREMENTS OF SECTION 604**

Section 604 shall be amended to read, in its entirety, as follows.

§ 604. Buffers and Screening.

A. Applicability: Buffers and screening shall be required to provide for appropriate functional and visual transition between different uses of property, between properties in different zoning districts, or between impactful components of an individual use and surrounding property.

B. When Required: The buffers and screening standards herein shall apply to any project meeting the following criteria.

1. Within the LMU, HC, and EC Districts, any nonresidential project that involves the development of a new use, a change of type of use, an expansion of an existing use, or a change of use involving expansion of the buildings or the developed portion of the property.

2. Within any zoning district, any project for which Article IV establishes a buffer and screening requirement, buffer and screening shall be provided for the entire use or for a specific component of the use, as established in Article IV.

C. Screen Classifications: The following types of screens are hereby established.

1. Screen A: One (1) major deciduous tree per sixty (60) lineal feet of buffer.

2. Screen B: One (1) minor deciduous tree or one (1) evergreen tree per thirty (30) lineal feet of buffer.

3. Screen C: One (1) major deciduous tree per thirty (30) lineal feet of buffer.

4. Screen D: One (1) minor deciduous tree or one (1) evergreen tree per fifteen (15) lineal feet of buffer.

5. Screen E: One (1) major deciduous tree per thirty (30) lineal feet of buffer, plus one (1) hedge or one (1) opaque fence running the full length of the buffer.

6. Screen F: One (1) minor deciduous tree or one (1) evergreen tree per fifteen (15) lineal feet of buffer, plus one (1) hedge or one (1) opaque fence running the full length of the buffer.

D. Required Screening by Zoning District: The type of screening to be provided is dependent upon the relationship between the zoning district and proposed use of the subject property and the zoning district and use of the adjoining property, as follows.

1. LMU District: Screening shall be provided as part of the development of a new non-residential use in the LMU District where said use borders an existing residential use or a residential zoning district. The type of screening to be provided is defined in the following table.

Adjoining Property	Screening for New Non-Residential Use in LMU District
RC District	C or D
RR District	C or D
R-1 District	C or D
R-2 District	C or D
R-3 District	C or D



Residential Use in LMU District	A or B
Residential Use in HC District	A or B
Residential Use EC District	A or B

2. HC District: Screening shall be provided as part of the development of a new non-residential use in the HC District where said use borders an existing residential use or a residential zoning district. The type of screening to be provided is defined in the following table.

Adjoining Property	Screening for New Non-Residential Use in HC District
RC District	E or F
RR District	E or F
R-1 District	E or F
R-2 District	E or F
R-3 District	E or F
Residential Use in LMU District	C or D
Residential Use in HC District	A or B
Residential Use in EC District	A or B

3. EC District: Screening shall be provided as part of the development of a new non-residential use in the EC District where said use borders an existing residential use or a residential zoning district. The type of screening to be provided is defined in the following table.

Adjoining Property	Screening for New Non-Residential Use in EC District
RC District	E or F
RR District	E or F
R-1 District	E or F
R-2 District	E or F
R-3 District	E or F
Residential Use in LMU District	C or D
Residential Use in HC District	C or D
Residential Use in EC District	A or B

E. Required Screening by Use: Screening shall be provided when required for a specific use or a component of a specific use as established in Article IV. The type of screening to be provided shall be dependent on the use and/or zoning district of adjacent property, as follows.

1. Where Article IV requires screening for a specific use as a whole, such screening shall be provided in accordance with Sections 604.D.1, 604.D.2, or 604.D.3, as applicable. Where Sections 604.D.1, 604.D.2, or 604.D.3 are not applicable, the specific use shall be provided with C or D screening.

2. Where Article IV requires screening for a component of a specific use, such screening shall be provided in accordance with the following table. Screening for a component of a specific use shall be provided in addition to buffers for a specific use as a whole, as may be required by Sections 604.D.1, 604.D.2, or 604.D.3.

Adjoining Property	Screening for Component of Specific Use
RC District	E or F
RR District	E or F
R-1 District	E or F
R-2 District	E or F
R-3 District	E or F
LMU District	C or D
HC District	C or D
EC District	C or D

F. Location of Buffers and Screening

1. For an overall property, buffers shall be coincident with the required minimum setbacks as established within the underlying zoning district. Required screening for the overall property shall be located within the buffer.

2. For an individual component of a use where the screening of said component is required in accordance with use regulations of Article IV, the screening shall be located within a buffer extending twenty-five (25) feet of said component. Such buffer shall be applied along all sides of the component that does not already immediately border a building, parking lot, or comparable feature.

3. Where a property requires screening in accordance with Section 604.D.1, 604.D.2, or 604.D.3, and screening of a component of a specific use in accordance with Section 604.E, the buffer and screening may occupy the same land area provided the following standards are met.

a. The overall property buffer may constitute the component of specific use buffer if the buffer width for the component buffer established by Subsection 2 extends into the buffer area for the entire property established by Subsection 1.

b. Where a property buffer and a component of specific use buffer occupy the same land area, the screening shall be the denser of the screening types applicable within the two buffers.



G. Exemptions from Screening: The following locations and conditions shall be exempted from screening standards and installation.

1. Front of Property along Road Right-of-Way: No screening shall be required within a buffer designated along a road right-of-way along the front of a property. This exemption shall not exempt any requirement of this Ordinance or the Berwick Township Subdivision and Land Development Ordinance to install street trees along the front of a property.
2. Railroad Right-of-Way: No screening shall be required within a buffer designated along any railroad right-of-way, including when such railroad right-of-way serves as a property boundary.
3. Water Bodies: No screening shall be required along any stream, creek, or other body of water when such stream, creek, or other body of water serves as a property boundary.
4. Existing Vegetation: No screening shall be required within a buffer designated along a property boundary where mature forest cover exists between the use that requires screening and the adjoining property boundary, regardless of whether or not the mature forest cover is located within the designated buffer along the property boundary. In such case, the mature forest cover shall serve as the required screening for the use.

H. General Buffer and Screening Requirements

1. Depiction of Buffers: Buffers shall be depicted on all submissions that involve some form of land use approval. This includes, but is not necessarily limited to, Zoning Permit applications, Special Exception applications before the Zoning Hearing Board, Conditional Use applications before the Board of Supervisors, and Subdivision and/or Land Development Plan applications in accordance with the Berwick Township Subdivision and Land Development Ordinance.
2. Design of Screening: Screening need not be designed such that the required plantings are placed with a constant separation distance, provided that the overall screening includes at least the minimum number of plantings within the buffer and based on the screen classification. Applicants are encouraged to provide screening designs that achieve a natural appearance with plantings that are clustered and / or placed at irregular intervals.
3. Plant Selection: Applicants are discouraged from providing screening that employs only one plant species. The following table establishes minimum number of species to be used depending on the overall number of plantings required.

Number of Required Plantings	Number of Plant Species
9 or less	1

10-19	2
20-29	3
30-49	4
50-99	5
100 or more	6 plus 1 for every 100 or portion of 100 required plantings over 200

4. Authorized Plantings: Plant species authorized for inclusion in required buffer and screening plans shall be derived from an authorized plant species listing as adopted by resolution of the Board of Supervisors. Comparable plant species to those listed in the resolution may be authorized for use subject to recommendation by the Planning Commission and Township Engineer

5. All buffers shall be planted with grass, sod, or ground cover, in addition to the plantings required by the applicable screen type. Buffers shall be kept clean of all debris, rubbish, and weeds. Grass shall also be kept cut, unless such grass is comprised of ornamental grasses that are specifically part of the visual screening plan for the buffer.

6. No structure, parking area, loading area, outdoor storage area, or any other comparable use may be permitted or located within a required buffer unless specifically otherwise authorized in Article 3, District Regulations and / or Article 4, Use Regulations.

7. Buffer plantings shall be precluded from road and utility rights-of-way, utility and similar easements, and clear-sight triangles as defined and applied in the Berwick Township Subdivision and Land Development Ordinance. Buffer plantings shall also be placed such that the plants at maturity will not cross property lines.

8. The screen plantings required herein shall be interpreted as additional planting requirements beyond any other planting requirement of this Ordinance or any other Berwick Township ordinance.

#### **SECTION 93: AMEND SECTION 705.B(1) TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR PARKING LOTS.**

Section 705.B(1) shall be amended to read as follows.

(1) Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for any parking lot that abuts a residential use or residential zoning district, or for any parking lot in any location that exceeds (5) parking spaces.

#### **SECTION 94: AMEND SECTION 708.B(5) TO CLARIFY BUFFER AND SCREENING REQUIREMENTS FOR OFF-STREET LOADING AREAS.**

Section 708.B(5) shall be amended to read as follows.



(5) Buffers and screening shall be provided in accordance with Section 604 of Article 6, Supplementary Regulations, for any loading facility that abuts a residential use or residential zoning district, or for any loading facility that faces any public street or pedestrian walkway.

#### **SECTION 95: 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 96: 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 97: EFFECTIVE DATE**

The Ordinance shall be effective five (5) days after enactment.

**ENACTED AND ORDAINED** into an Ordinance this 12 day of June, 2023.

**ATTEST:**

**BOARD OF SUPERVISORS OF  
BERWICK TOWNSHIP**

  
Jean A. Hawbaker  
Township Secretary

(SEAL)

  
Pete Socks  
Chair

  
Tom Danner  
Vice-Chair

  
Earle Black

  
Barry Cockley

  
Scott Kennedy