

**ORDINANCE NO. 2024-03**

**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 definitions to read as follows.

Exotic Animals – Any animal controlled by the Game and Wildlife Code, 34 Pa.C.S.A. Section 101, et seq., including but not limited to all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves, and any crossbreed of these animals which have similar characteristics in appearance or features.

Large Livestock – For the purposes of this Ordinance, domesticated animals including horses and cattle, and other domesticated animals of comparable size.

Livestock – Domestic animals raised for home use or for profit, especially on a farm.

Pasture – A fenced-in area, with continuous vegetation growth, located on a plot of land that is used for the grazing of livestock.

**SECTION 2: ADD ANIMAL USES AS ACCESSORY USES IN THE RURAL CONSERVATION (RC) DISTRICT**

Section 301.B(1) shall be amended by adding the following uses as Accessory Uses to the permitted uses table.

|   |   |              |
|---|---|--------------|
| Keeping of Large Livestock for Personal Use and/or Recreation | P | Section 407A |
| Riding Schools and/or Horse Boarding Stables                  | P | Section 407  |
| Exotic Animals  | P | Section 407B |

**SECTION 3: ADD ANIMAL USES AS ACCESSORY USES IN THE RURAL RESIDENTIAL (RR) DISTRICT**

Section 302.B(1) shall be amended by adding the following uses as Accessory Uses to the permitted uses table.

|   |   |              |
|---|---|--------------|
| Keeping of Large Livestock for Personal Use and/or Recreation | P | Section 407A |
|---|---|--------------|

|  |   |              |
|--|---|--------------|
| Riding Schools and/or Horse Boarding Stables | P | Section 407  |
| Exotic Animals                               | P | Section 407B |

**SECTION 4: ADD ANIMAL USES AS ACCESSORY USES IN THE LIMITED MIXED USE (LMU) DISTRICT**

Section 306.B(1) shall be amended by adding the following uses as Accessory Uses to the permitted uses table.

|   |   |              |
|---|---|--------------|
| Keeping of Large Livestock for Personal Use and/or Recreation | P | Section 407A |
| Riding Schools and/or Horse Boarding Stables                  | P | Section 407  |

**SECTION 5: REVISE SECTION 307.C(2) TO UPDATE MAXIMUM LOT COVERAGE STANDARD**

Section 307.C(2) shall be revised to read as follows.

- (2) Maximum lot coverage: Seventy-five percent (75%).

**SECTION 6: REVISE SECTION 307.C(3) TO UPDATE MINIMUM LANDSCAPE COVERAGE STANDARD**

Section 307.C(3) shall be revised to read as follows.

- (3) Minimum landscape coverage: Twenty-five percent (25%).

**SECTION 7: REVISE SECTION 307.C(4) TO UPDATE MINIMUM YARD STANDARDS**

Section 307.C(4) shall be revised to read, in its entirety, as follows.

- (4) 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 8: REVISE SECTION 307.C(5) TO UPDATE THE MAXIMUM HEIGHT STANDARD**

Section 307.C(5) shall be revised to read as follows.

- (5) Maximum building height: Fifty (50) feet.

#### **SECTION 9: REVISE SECTION 307.C TO ADD LANDSCAPING STANDARDS**

Section 307.C shall be revised by adding Subsection (7) to read as follows.

- (7) 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.

#### **SECTION 10: REVISE SECTION 407 TO UPDATE RIDING SCHOOLS AND BOARDING STABLES STANDARDS**

Section 407 shall be amended in its entirety to read as follows.

§ 407. Riding schools and/or horse boarding stables

- A. The minimum lot size shall be five (5) acres.
- B. The minimum Pasture area shall be two (2) acres for the first (1<sup>st</sup>) horse and an additional one (1) acre for every additional horse.
1. The Pasture is not permitted in the front yard area.
  2. The Pasture must be enclosed by a minimum four foot (4') high fence.
  3. The Pasture must be setback a minimum of ten feet (10') from all lot lines.
  4. The Pasture must be setback a minimum of one hundred feet (100') from any well.
  5. Calculating the required Pasture area:
    - a. Structures, Septic Systems, Stormwater Management Systems, Streams, Ponds, Waterways or any impervious areas are not considered acceptable Pasture Area and shall not be considered as part of the required Pasture. However, these areas may be located within the fenced portion of the Pasture area.
    - b. Outdoor areas primarily dedicated to training, riding and show shall not be considered as part of the required Pasture. However, these areas may be located within the fenced portion of the Pasture Area.

C. Stables (and/or any structures devoted to the horses) must be setback a minimum of one hundred feet (100') from any property line.

1. All Stables (and/or structures devoted to the horses) shall be maintained so to minimize odors perceptible at the property line.

D. A Manure Management Plan (as required by Local, County, State, or Federal regulations) must be implemented and a copy of the plan needs to be provided to the Township prior to issuance of a Zoning permit.

E. All outdoor training, show, riding or temporary boarding areas shall be setback a minimum of ten feet (10') from all property lines.

### **SECTION 11: AMEND ARTICLE IV BY ADDING SECTION 407A TO ESTABLISH LARGE LIVESTOCK FOR PERSONAL USE STANDARDS**

Article IV shall be amended by adding Section 407A to read as follows.

#### **§ 407A. Keeping of Large Livestock for Personal Use and/or Recreation**

A. The minimum lot size shall be five (5) acres.

B. Minimum Pasture Area: The minimum pasture area shall be two (2) acres for the first horse or cattle, and one (1) acre for each additional horse or cattle.

C. Calculation of Pasture Area: Structures, septic systems, stormwater management areas, streams, ponds, waterways, or any impervious area shall not be included in the calculation of pasture area and shall not be considered to be part of the require pasture. Such features may, however, be located within the fenced pasture area.

D. The pasture shall not be permitted in any front yard within the LMU District.

E. The Pasture must be enclosed by a minimum four foot (4') high pasture fence.

F. The Pasture must be setback a minimum of ten feet (10') from all lot lines.

G. Buildings or any other structure devoted to providing shelter to animals must be setback a minimum of one hundred feet (100') from any property line.

H. All building or any other structure devoted to providing shelter to animals shall be maintained so to minimize odors perceptible at the property line.

I. A Manure Management Plan (as required by Local, County, State, or Federal regulations) must be implemented and a copy of the Plan needs to be provided to the Township prior to issuance of a Zoning permit.

**SECTION 12: AMEND ARTICLE IV BY ADDING SECTION 407B TO ESTABLISH EXOTIC ANIMAL STANDARDS.**

Article IV shall be amended by adding Section 407B to read as follows.

**407B. Keeping of Exotic Animals**

The keeping of Exotic Animals within Berwick Township is permitted, provided that an exotic wildlife possession permit is obtained and maintained from the Pennsylvania Game Commission in accordance with the Game and Wildlife Code, 34 Pa.C.S.A. Section 101, et seq.

**SECTION 13: AMEND ARTICLE VI BY REMOVING SECTION 612 AND RETAINING THE SECTION NUMBER FOR FUTURE USE.**

Article VI shall be amended by revising Section 612 to read as follows.

Section 612. Reserved.

**SECTION 14: AMEND ARTICLE VI BY AMENDING SECTION 601.D(1)**

Section 601.D(1) shall be amended to read as follows:

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 four (4) feet in the front yard area or more than six (6) feet in any other yard in any district other than HC and EC.

**SECTION 15: 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 16: 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 17: EFFECTIVE DATE**

The Ordinance shall be effective immediately.

ENACTED AND ORDAINED into an Ordinance this \_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

**BERWICK TOWNSHIP**

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Jean A. Hawbaker  
Township Secretary

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Peter L. Socks, Jr., Chairman