

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE TOWNSHIP OF BERWICK, ADAMS COUNTY, PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE BERWICK TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 50, AS AMENDED

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: REMOVE DEFINITIONS FROM SECTION 201

Section 201 shall be amended by removing the following definitions.

Estate Lot
Granny Flat
Living Area

SECTION 2: AMEND SECTION 201 TO ADD DEFINITION OF ACCESSORY DWELLING UNIT

Section 201 shall be amended by adding the definition of "Accessory Dwelling Unit" as follows.

ACCESSORY DWELLING UNIT – A dwelling unit, located on the same lot as a principal single-family detached dwelling, and intended to be incidental and subordinate to the principal single-family detached dwelling.

SECTION 3: REVISE SECTION 301.A(6)

Section 301.A(6) shall be revised to read as follows.

- (6) Encourage compact residential clusters with direct visual and physical access to open space, farms, and conservation areas.

SECTION 4: AMEND SECTION 301.B(1) TO REMOVE "GRANNY FLATS (ACCESSORY HOUSING)"

Section 301.B(1) shall be amended to remove "Granny Flats (Accessory Housing)" from the list of permitted accessory uses.

SECTION 5: AMEND SECTION 301.B(1) TO PERMIT ACCESSORY DWELLING UNIT

Section 301.B(1) shall be amended to add the following to the list of permitted accessory uses.

Accessory Dwelling Unit	SE	Section 447
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SECTION 6: AMEND SECTION 302.B(1) TO REMOVE "GRANNY FLATS (ACCESSORY HOUSING)"

Section 302.B(1) shall be amended to remove "Granny Flats (Accessory Housing)" from the list of permitted accessory uses.

SECTION 7: AMEND SECTION 302.B(1) TO PERMIT ACCESSORY DWELLING UNIT

Section 302.B(1) shall be amended to add the following to the list of permitted accessory uses.

Accessory Dwelling Unit	SE	Section 447
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SECTION 8: AMEND SECTION 303.B(1) TO REMOVE "GRANNY FLATS (ACCESSORY HOUSING)"

Section 303.B(1) shall be amended to remove "Granny Flats" from the list of permitted accessory uses.

SECTION 9: AMEND SECTION 303.B(1) TO PERMIT ACCESSORY DWELLING UNIT

Section 303.B(1) shall be amended to add the following to the list of permitted accessory uses.

Accessory Dwelling Unit	SE	Section 447
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SECTION 10: AMEND SECTION 304.B(1) TO REMOVE “GRANNY FLATS (ACCESSORY HOUSING)”

Section 304.B(1) shall be amended to remove “Granny Flats” from the list of permitted accessory uses.

SECTION 11: AMEND SECTION 304.B(1) TO PERMIT ACCESSORY DWELLING UNIT

Section 304.B(1) shall be amended to add the following to the list of permitted accessory uses.

Accessory Dwelling Unit	SE	Section 447
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SECTION 12: AMEND SECTION 306.B(1) TO REMOVE “GRANNY FLATS (ACCESSORY HOUSING)”

Section 306.B(1) shall be amended to remove “Granny Flat” from the list of permitted accessory uses.

SECTION 13: AMEND SECTION 306.B(1) TO PERMIT ACCESSORY DWELLING UNIT

Section 306.B(1) shall be amended to add the following to the list of permitted accessory uses.

Accessory Dwelling Unit	SE	Section 447
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SECTION 14: REVISE SECTION 447

Section 447 shall be amended to read as follows:

§ 447. Accessory Dwelling Units

- A. An accessory dwelling unit may only be located on a parcel with an existing principal single-family detached dwelling.
- B. Only one (1) accessory dwelling unit may be located on a parcel.
- C. An accessory dwelling unit may only be occupied by persons related by blood, marriage, or adoption to the occupants of the principal dwelling unit.

D. The maximum number of occupants of an accessory dwelling unit, excluding minors, shall be two (2) persons.

E. The maximum livable area of an accessory dwelling unit shall be one-thousand five hundred (1,500) square feet or seventy-five percent (75%) of the livable area of the principal dwelling unit, whichever is less.

F. The minimum livable area of an accessory dwelling unit shall be five hundred (500) square feet.

G. The height of the accessory dwelling unit shall not exceed the height of the principal dwelling unit.

H. An accessory dwelling unit may be a detached dwelling unit in accordance with the following standards:

(1) The accessory dwelling unit shall not be located within the front yard of the principal dwelling unit. The accessory dwelling unit shall be located either to the side or to the rear of the principal dwelling unit.

I. An accessory dwelling unit may be an attached dwelling unit in accordance with the following standards:

(1) An internal means of connectivity between the accessory dwelling unit and the accessory dwelling unit shall be provided.

(2) Access to the accessory dwelling unit from the outside shall not be provided from the front of the building. Access may only be provided from the side or rear of the building.

J. Vehicular access from the road right-of-way to the accessory dwelling unit shall be limited to the same access driveway that serves the principal dwelling unit.

K. No accessory dwelling unit shall be subdivided from the principal dwelling unless the lot proposed for the accessory dwelling unit meets all the applicable standards for a single-family detached residential lot.

L. The accessory dwelling unit shall be assigned a unique address in accordance with Adams County and U.S. Postal Service requirements.

M. An accessory dwelling unit shall be provided with public sewer service as authorized by the applicable municipal authority or utility company or with on-lot septic as authorized by the Township sewage enforcement officer.

N. An accessory dwelling unit shall be provided with public water service as authorized by the applicable municipal authority or utility company or with on-lot water from a well that complies with the Berwick Township Well Ordinance.

O. The Township shall record, at the cost of the applicant, a memorandum with the Adams County Recorder of Deeds, in a form acceptable to the Township, that addresses the following.

1. Confirmation of the decision of the Zoning Hearing Board granting Special Exception approval for the Accessory Dwelling Unit.

2. Confirmation that the occupancy of the Accessory Dwelling Unit shall be limited to occupants referenced in Section 447.C.

3. Confirmation that the Accessory Dwelling Unit shall not be rented to persons not referenced in Section 447.C.

P. Zoning Permit Requirements: Following Special Exception approval by the Zoning Hearing Board, the following Zoning Permit requirements shall be followed:

(1) On the anniversary date of the Zoning Hearing Board decision, the property owner shall provide annual reporting to the Zoning Officer of the occupants of the accessory dwelling unit.

(2) The property shall be subject to inspection by the Zoning Officer to ensure continued compliance with all applicable requirements, including permitted occupancy.

SECTION 15: AMEND SECTION 702.E TO ADD PARKING SPACE REQUIREMENTS FOR ACCESSORY DWELLING UNIT

Section 702.E shall be amended by adding the following parking space requirement in the Residential Uses portion of the parking space requirements table.

	Accessory Dwelling Unit	1 space
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SECTION 16: 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 17: 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 18: EFFECTIVE DATE

The Ordinance shall be effective _____, 2024.

ENACTED AND ORDAINED into an Ordinance this ____ day of _____, 2024.

ATTEST:

BERWICK TOWNSHIP

Jean A. Hawbaker
Township Secretary

Peter L. Socks, Jr.
Chairman

(SEAL)