

COPY

ORDINANCE NO. 64 OF 2006

**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 I: TEXT AMENDMENT:**

Section 201 shall be amended to add or amend, as appropriate, the following terms and definitions to read as follows:

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

Canopy – A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, pole, or braces extending from the ground. Any roof overhang extending more than two feet from the face of the building shall be considered a canopy.

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

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

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

No-Impact Home-Based Business – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Parapet – That portion of a wall which extends above the roof line.

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

Portico – A colonnade or covered ambulatory often found at the entrance of a building.

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

Projecting Rib – A continuous molding between adjoining plane surfaces.

Reveal – A continuous groove between adjoining plane surfaces.

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

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

Terminal Island - A landscaped island located on either end of rows of parking spaces within a parking lot, which provides opportunities for landscaping, and which defines the ends of parking aisles thus contributing to traffic circulation control.

Façade – That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.”

## **SECTION II: TEXT AMENDMENT:**

Section 201 shall be amended by removing the term Massage Parlor, and replacing such term with the term Adult Massage Parlor. The definition of Adult Massage Parlor shall be amended to read as follows:

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

**SECTION III: TEXT AMENDMENT:**

The table of permitted uses in Sections 301.B(1), 302.B(1), 303.B(1), 304.B(1), 305.B(1), and 306.B(1) shall be amended to add Home Occupation as an accessory use permitted by Special Exception. For every table of permitted uses where a row is added for Home Occupations, the Use Regulations column shall refer to Section 450.

**SECTION IV: TEXT AMENDMENT:**

The table of permitted uses in Sections 301.B(1), 302.B(1), 303.B(1), 304.B(1), 305.B(1), 306.B(1), 307.B(1), and 308.B(1) shall be amended to list Forestry as a permitted use.

**SECTION V: TEXT AMENDMENT:**

The table of permitted uses in Sections 301.B(1), 302.B(1), 303.B(1), 304.B(1), 305.B(1), and 306.B(1) shall be amended to replace the reference to Accessory Home Office Use with No-Impact Home-Based Business. The Use Regulations column in each table shall continue to refer to Section 445.

**SECTION VI: TEXT AMENDMENT:**

Section 301.C(1)(c) shall be added to read as follows:

“c. All applications for approval of a subdivision within the RC District shall include a chart documenting the following information:

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

**SECTION VII: TEXT AMENDMENT:**

Section 302.C(1)(c) shall be added to read as follows:

“c. All applications for approval of a subdivision within the RR District shall include a chart documenting the following information:

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

**SECTION VIII: TEXT AMENDMENT:**

Table 303-1 shall be amended to remove the column entitled “Lots Served by Public Water or Public Sewer.”

**SECTION IX: TEXT AMENDMENT:**

In Table 304-1 shall be amended such that the minimum side yard will be 10 feet for all dwelling unit types.

**SECTION X: TEXT AMENDMENT:**

Table 304-1 shall be amended to remove the row entitled “Lots Served by Public Water or Public Sewer.”

**SECTION XI: TEXT AMENDMENT:**

Section 304.B(4) shall be added to read as follows:

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

**SECTION XII: TEXT AMENDMENT:**

Section 305.B(4) shall be added to read as follows:

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

**SECTION XIII: TEXT AMENDMENT:**

The introductory paragraph of Section 305.C shall be amended to read as follows:

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

**SECTION XIV: TEXT AMENDMENT:**

Table 305-1 shall be amended to add the following row:

Public Water and Public Sewer	Required
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**SECTION XV: TEXT AMENDMENT:**

The permitted uses table in Section 306.B shall be amended by adding the following row under the “Commercial and Industrial Uses” heading:

Mixed Use Lots	SE	Section 451
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**SECTION XVI: TEXT AMENDMENT:**

Table 306-1 shall be amended by removing the row entitled “Lots Served by Public Water or Public Sewer.”

**SECTION XVII: TEXT AMENDMENT:**

Section 306.C(1)(b) shall be removed. Section 306.C(1)(c) shall be renumbered as Section 306.C(1)(b).

**SECTION XVIII: TEXT AMENDMENT:**

Section 306.F(1) shall be amended to read as follows:

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

**SECTION XIX: TEXT AMENDMENT:**

Sections 306.F(2) through 306.F(4) shall be renumbered as Sections 306.F(3) through 306.F(5).

**SECTION XX: TEXT AMENDMENT:**

Section 306.F(2) shall be added to read as follows:

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

**SECTION XXI: TEXT AMENDMENT:**

The permitted uses table in Section 307.B shall be amended by amending the “Mini and Self-Storage Facilities” row to read as follows:

Mini and Self-Service Storage Facilities	SE	Section 436
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**SECTION XXII: TEXT AMENDMENT:**

Section 307.B(4) shall be added to read as follows:

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

**SECTION XXIII: TEXT AMENDMENT:**

Section 307.D(5) shall be amended to read as follows:

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

**SECTION XXIV: TEXT AMENDMENT:**

Section 307.D(6) shall be added as follows:

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

**SECTION XXV: TEXT AMENDMENT:**

Section 307.D(7) shall be added to read as follows:

“(7) No parking shall be located within the minimum building setbacks established in Sections 307.C(4).”

**SECTION XXVI: TEXT AMENDMENT:**

The permitted uses table in Section 308.B shall be amended by amending the “Industrial / Business Park” and “Mini and Self-Service Storage Facilities” rows to read as follows:

Industrial / Business Park	SE	Section 432
Mini and Self-Service Storage Facilities	SE	Section 436

**SECTION XXVII: TEXT AMENDMENT:**

Section 308.F(4) shall be added as follows:

“(4) Where a new or expanded Light Industrial or Commercial / Office use, as designated in the Permitted Use chart established in Section 308.B, is proposed with a gross floor area exceeding twenty-five thousand (25,000) square feet, the building shall comply with the design standards of Section 613.”

**SECTION XXVIII: TEXT AMENDMENT:**

Section 415.B(1) shall be amended to read as follows:

“(1) Daycare centers in accordance with Section 422.”

**SECTION XXIX: TEXT AMENDMENT:**

Section 417.E shall be amended to read as follows:

“E. The drive through facility, including service windows and intercom, and the driveway, shall be located along either the side or rear face of the business with drive through service.”

**SECTION XXX: TEXT AMENDMENT:**

Section 429.A: This section shall be amended to read as follows:

“A. No vehicle sales, service, repair, or body shop shall be located within one hundred fifty (150) feet of any residential property or residentially zoned lands.”

**SECTION XXXI: TEXT AMENDMENT:**

Section 432.H shall be amended to read as follows:

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

**SECTION XXXII: TEXT AMENDMENT:**

Section 434.D shall be amended to read as follows:

“D. The lot shall have direct access onto an arterial or collector roadway as shown in the Berwick Township Comprehensive Plan or a roadway having adequate structural and geometric characteristics as determined by the Zoning Officer, with assistance from the Township Engineer. In making this determination, the Zoning Officer and the Township Engineer shall consider the ability of said roadway to handle the anticipated future truck traffic.”

**SECTION XXXIII: TEXT AMENDMENT:**

Section 445 shall be amended to read as follows:

“§ 445.No-Impact Home-Based Business

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference,



including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.”

**SECTION XXXIV: TEXT AMENDMENT:**

Section 450 shall be added to read as follows:

“§ 450. Home Occupations

A. Home Occupations shall be deemed to include the following and similar uses:

Art Studio  
Beauty Shop  
Barber Shop  
Teaching or Tutoring Service  
Professional Office of a Physician, Dentist, Lawyer, Accountant, Real Estate  
Broker, or Similar Professional  
Pet Grooming  
Dressmaker  
Tailor  
Appliance or Small Engine Repair  
Typing, Desktop Publishing, or Word Processing Services

B. The person with the home occupation must reside within the primary structure located on the lot.

C. No more than two (2) persons may be employed to provide secretarial, clerical, or any other type of assistance.

D. No more than twenty-five (25) percent of the habitable floor area of the dwelling unit, excluding attached accessory structures, shall be utilized for the home occupation. Attached structures, including garages, and detached accessory structures may be used for the home occupation.

E. One non-animated, non-illuminated, flat freestanding sign shall be permitted. The total sign area shall not exceed four (4) square feet.

- F. The structure in which the home occupation is conducted must retain a residential design and character as evidenced by architectural drawings or photographs.
- G. A minimum of two off street parking spaces must be provided, plus one additional space for each employee.
- H. Only one client, student, or customer may be scheduled at any one time.
- I. Delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle shall not exceed two (2) trips per week and the deliveries shall not restrict traffic circulation.
- J. Other than the business sign authorized by Section 450.E, there shall be no exterior indication of the business. No outdoor storage of materials or vehicles used in association with the home occupation shall be permitted.
- K. The home occupation shall not cause any external impact such as increased noise, excessive light, or offensive odor.”

**SECTION XXXV: TEXT AMENDMENT:**

Section 451 shall be added to read as follows:

“§ 451. Mixed Use Lots

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

**SECTION XXXVI: TEXT AMENDMENT:**

Section 501.B(3) shall be added to read as follows:

- (3) Such non-conforming lot may be used for any use permitted by right in the zoning district in which the lot is located, provided all required standards for the specific use are met, in addition to those requirements referenced in Sections 501.B(1) and 501.B(2).

**SECTION XXXVII: TEXT AMENDMENT:**

Section 502.E shall be added to read as follows:

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

(1) Accessory structures shall be permitted on properties occupied by non-conforming uses without the property owner having to obtain special exception approval in accordance with Section 502.B.

(2) Use of the accessory structure must be clearly incidental to the principal use of the property, and shall not constitute an expansion of the non-conforming principal use

(3) The accessory structure shall comply with all area and dimensional requirements for the zoning district in which the accessory structure is located.”

**SECTION XXXVIII: TEXT AMENDMENT:**

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

“No fence or wall (except a retaining wall , a wall of a building under the terms of this Ordinance, or a wall or fence in accordance with Article 4, Use Regulations, of this Ordinance) shall be erected to a height of more than three (3) feet in the front yard area or more that six (6) feet in any other yard in any district other than HC and EC.”

**SECTION XXXIX: TEXT AMENDMENT:**

Section 601.D(2) shall be amended to read as follows:

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

**SECTION XL: TEXT AMENDMENT:**

Section 613 shall be added as follows:

“§ 613:Non-residential Building Design Standards. The following design standards apply to commercial, office, and institutional buildings that exceed twenty-five thousand (25,000) gross square feet of building coverage.

A. Facades and Exterior Walls

(1) Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of a least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.

(2) Detail Features. Building facades must include a repeating pattern that includes no less than three (3) of the following elements, with a least one (1) of the following elements (a), (b) or (c) repeating horizontally:

- a. Color change.
- b. Texture change.
- c. Material module change.
- d. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.

(3) For retail establishments, ground floor facades that face public streets shall have arcades, awnings/canopies, fascias, display windows, entry areas, or other such features along no less than sixty percent (60%) of their horizontal length.

B. Windows: For retail establishments, all building facades facing a public right-of-way must adhere to the following window requirements:

- (1) All first story building facades shall be a minimum forty percent (40%) window coverage.
- (2) All other stories of building facades shall be a minimum 25% window coverage.
- (3) All windows shall be transparent or translucent.

C. Roofs. Roofs shall have no less than two (2) of the following features:

- (1) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.
- (2) Overhanging eaves, extending no less than three (3) feet past the supporting walls.

- (3) Sloping roofs.
- (4) Three (3) or more roof slope planes.
- (5) Green roofs. If this option is selected, no other roof option is required.

D. Materials and colors.

- (1) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.
- (2) Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- (3) Building trim and accent areas may feature brighter colors, including primary colors.
- (4) Exterior building materials shall not include smooth-faced concrete block, pre-cast concrete panels (tilt-up concrete panels) that are not exposed aggregate, hammered, embossed, imprinted, sandblasted or covered with a cement-based acrylic coating, or prefabricated metal panels with a depth of less than one inch or a thickness less than U.S. Standard twenty-six (26) gauge.

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

- (1) Canopies or porticos.
- (2) Overhangs.
- (3) Recesses/projections.
- (4) Arcades.
- (5) Raised corniced parapets over the door.
- (6) Peaked roof forms.
- (7) Arches.
- (8) Outdoor patios.
- (9) Display windows.

(10) Architectural details such as tile work and moldings which are integrated into the building structure and design.

(11) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

F. Mechanical equipment.

(1) To the maximum extent practical, all roof-mounted and ground mounted mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district or uses within one-hundred fifty (150) feet of the subject property, measured from a point five (5) feet above grade. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance.

(2) Mechanical equipment and open storage areas shall be screened from public streets, alleys, paths, private streets and abutting lots to a maximum height of six (6) feet. When solid screening is used, the materials shall be compatible with the building.”

**SECTION XLI: TEXT AMENDMENT:**

Section 705.A(7) shall be amended to read as follows:

“(7) Setback Requirements

(a) All parking lots shall be set back from any street line or property line in accordance with the minimum front, side, and rear building setback requirements for the zoning district in which the subject property is located.

(b) All off-street parking lots shall be set back ten (10) feet from the principal structure.

(c) When a parking lot abuts a property occupied by a residential use or a property within a residential zoning district, an additional five (5) foot buffer shall be provided along the property line of the residential property or zoning district in addition to the parking lot setback established by Section 705.A(7)(a).”

**SECTION XLII: TEXT AMENDMENT:**

Sections 705.B(2)(c) and 705.B(2)(d) shall be renumbered as Sections 705.B(2)(d) and 705.B(2)(e) respectively. A new Section 705.B(2)(c) shall be added to read as follows:

“(c) Divider strips shall be installed between adjoining aisles of parking to provide for interior parking lot landscaping, to assist in automobile circulation, and to help achieve the pedestrian separation requirement of Section 705.A(5).”

**SECTION XLIII: TEXT AMENDMENT:**

Section 904.B(2)(a) shall be amended to read as follows:

“(a) The first hearing before the Board shall be commenced within sixty (60) days from the date of receipt of the applicant’s application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant or on the record. An applicant shall complete the presentation of his case-in-chief within one-hundred (100) days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one-hundred (100) days, including the first hearing. Persons opposed to the application may, upon written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition provided the applicant is granted an equal number of additional hearings for rebuttal.”

**SECTION XLIV: TEXT AMENDMENT:**

Section 904.B(2)(b) shall be amended to read as follows:

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

**SECTION XLV: TEXT AMENDMENT:**

Section 1001 shall be amended to read as follows:

“A. Requirements of Permits: A zoning permit shall be required prior to the erection of or addition to any building or portion thereof, prior to the use or change in the use of a building or land, prior to the change or extension of a non-conforming use, and prior to the erection of any regulated sign. It shall be unlawful for any person to commence work on the erection or alteration of any building or facilitate a change in land use, until a permit has been duly issued therefore. Exceptions to the above include the following:

1. No Zoning Permit shall be required in cases of normal maintenance and repairs which do not structurally change a building or structure, or increase the coverage or height of said building or structure.
2. No Zoning Permit shall be required for small accessory structures, including but not limited to dog houses and storage sheds of less than twenty-five (25) square feet.
3. No Zoning Permit shall be required prior to the installation of swing sets or similar recreation equipment to be installed on residential properties.

B. Applications for Permits: The following elements of a Zoning Permit application shall be provided by the applicant:

1. A completed Zoning Permit Application Form. If the applicant is not the owner of the property, the signature of the owner is required on the application.
2. Application fee.
3. A Site Plan, drawn to scale, showing:
  - a. Actual shape and dimensions of the lot to be built upon.
  - b. Exact size and location of any buildings existing on the lot.
  - c. Existing and proposed use of any buildings existing on the lot.
  - d. Required building setback lines, per applicable section of the Zoning Ordinance.
  - e. The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown. Measurements of the distance from the proposed building or structure to the front, side and rear property lines must be shown.
  - f. Notes identifying: what Zoning District the property is located in, the use(s) of the proposed building(s), the number of families or dwelling units the building is designed to accommodate (if applicable).
  - g. Other information deemed necessary by the Zoning Officer in order to accurately depict the proposed activity.
  - h. North arrow.
  - i. Scale.



j. Title block including applicant's name, owner's name, address of property, tax parcel number, name of plan preparer, plan preparation date.

4. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of Permits:

1. No permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, addition, alteration, sign, or other design feature complies with all the provisions of this Chapter, and until the Zoning Officer has completed the following:

a. Review sheet to determine the completeness of the application submitted and compliance with the Berwick Township Zoning Ordinance.

b. Written determination of compliance or noncompliance with the Berwick Township Zoning Ordinance, including any conditions placed on a variance or special exception by the Berwick Township Zoning Hearing Board or a conditional use by the Berwick Township Board of Supervisors.

c. Permit for display.

2. A zoning permit issued in error, or based on inaccurate information provided by the applicant, shall become null and void.

3. An approved zoning permit shall become void twelve (12) months from the date of issuance unless construction work has commenced or the change in use has been accomplished.”

D. Certificate of Use and Occupancy

1. No land or building shall be occupied by a principal use or changed from one principal use to another, and no building hereafter erected, constructed, altered, or extended shall be occupied until a Certificate of Use and Occupancy has been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this Ordinance.

2. Application Procedure

a. Applications for Certificates of Use and Occupancy shall be made in writing by the owner or authorized agent of on the Certificate of Use and Occupancy forms supplied by the Zoning Officer.

- b. Certificates of Use and Occupancy applications associated with construction activity shall be submitted concurrently with the zoning permit application for use at the final inspection by the Zoning Officer.
- c. Certificates of Use and Occupancy applications associated with a conforming new use or change of use that requires no expansion of the use or structure shall be submitted to the Zoning Officer.
- d. A Certificate of Use and Occupancy application associated with a change from one nonconforming use to another shall not be submitted until after Special Exception approval is obtained in accordance with Section 903.D of this Ordinance.

3. Application Approval or Denial

a. The Zoning Officer, upon completion of inspection and finding of conformity with Township Ordinances as applicable in subsection (b) and (d) above, shall grant a Certificate of Use and Occupancy within five (5) days following the inspection and finding.

b. The Zoning Officer, upon completion of inspection and finding of a violation shall deny a Certificate of Use and Occupancy and shall notify the applicant in writing within five (5) days following the inspection. The notification of the denial shall make reference to appropriate sections of applicable Township Ordinances. Subsequent final inspections shall follow the same procedure outlined above. An additional fee based on time and expenses may be charged for any additional expenses.

c. A Certificate of Use and Occupancy shall become void within ninety (90) days from the date of issuance, if unoccupied, unless the applicant has notified the Zoning Officer that the occupancy has been delayed and has made application for an extension.

**SECTION XLVI: TEXT AMENDMENT:**

Section 1101(1) shall be amended as follows:

The term “Special Exception” in the first sentence shall be replaced by the term “Conditional Use.”

**SECTION XLVII: TEXT AMENDMENT:**

The first sentence of Section 1101(4) shall be amended to read as follows:

“(4) Where the Board of Supervisors fails to render the decision within the period required by this Section or fails to commence, conduct, or complete the required hearing

within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one-hundred (100) days after the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time."

**SECTION XLVIII: 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 IXL: 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 L: EFFECTIVE DATE**

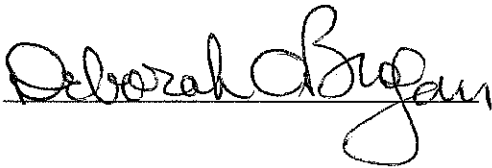
The Ordinance shall be effective on and as of 12:00 AM, January 10, 2006.

ENACTED AND ORDAINED into an Ordinance this 9<sup>th</sup> day of January, 2006.

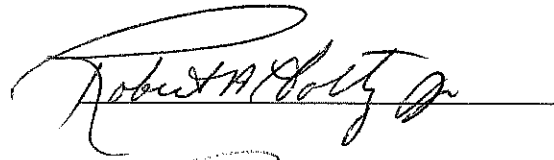
ATTEST:

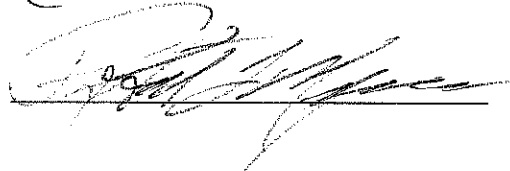
TOWNSHIP OF BERWICK  
ADAMS COUNTY,  
PENNSYLVANIA

BOARD OF SUPERVISORS OF  
BERWICK TOWNSHIP

  
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(SEAL)

  
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