

ORDINANCE NO. 68

**AN ORDINANCE AMENDING THE BERWICK TOWNSHIP
ZONING ORDINANCE OF 1999, AS AMENDED, BY AMENDING THE OFFICIAL
ZONING MAP TO ADD LAND ON EXHIBIT "A", TO THE HIGHWAY
COMMERCIAL DISTRICT AND AMEND SECTIONS 307 D (5) AND 429 A**

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED, as follows:

SECTION I

That the Official Zoning Map shall be modified and amended so that the following described area of Berwick Township as set forth in Exhibit A which was shown as Limited Mixed Use District on the Official Zoning Map of Berwick Township shall be rezoned in total from the present Limited Mixed Use District to Highway Commercial District.

SECTION II

That the Official Zoning Map of Township shall, upon adoption of this Ordinance, be modified in accordance with the change herein constituted, and the Berwick Township Secretary shall so certify such change and modification of the Official Zoning Map.

SECTION III

That Section 307 D (5) to 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. Except for the area used for outdoor display of vehicles for sale to the public, 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 IV

That Section 429 A be amended to read as follows:

A. No vehicle sales, services, repair and body shop shall be located within 150 feet of any residence or residentially zoned lands, provided that the 150 feet set back may be reduced to 100 feet upon application for special exception by the Township Zoning Board. The following conditions must be satisfied to be granted the special exception approval:

(1) The land development plan must show that strict adherence to the 150 foot setback cannot be met due to inability to meet either front, side or rear setbacks adjacent to state or township roads because of required improvements to either state or township roads which improvements result in the front, side or rear setbacks being changed because of the improvements.

(2) A vegetated buffer shall be installed on the developed property to meet up to 20% of the stipulated setback on lot lines.

(3) Vegetated buffering may not interfere with Penn Dot's clear sight triangle.

(4) The reduced setback is limited to no more than 2 setback sides.

SECTION V

The revision, modification, and amendment herein provided shall not be construed to in any manner conflict or abrogate the provisions of the Berwick Township Zoning Ordinance of 1999, and as amended, other than as herein provided.

SECTION VI

All ordinances or portions of ordinances inconsistent herewith are hereby repealed.

SECTION VII

This amendment shall be effective five (5) days from the date of its adoption.

ENACTED AND ORDAINED this 9th day of OCTOBER, 2006.

BERWICK TOWNSHIP
BOARD OF SUPERVISORS

By: Robert Foltz
Robert Foltz, Chairman

Attest: Deborah Brogan
Deborah Brogan, Secretary

I, Deborah A. Brogan, Secretary of the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Berwick Township held on October 9, 2006, at which a quorum was present and voted in favor thereof.

Deborah A. Brogan
Deborah A. Brogan, Secretary

EXHIBIT A

LEGAL DESCRIPTION OF LAND IN THE HIGHWAY COMMERCIAL DISTRICT

TAX MAP L12, PORTION OF PARCEL 72

ALL that certain tract of unimproved land situated on the easterly side of Carlisle Pike (SR-0094) in Berwick Township, Adams County, Pennsylvania bounded and described according to a plan of subdivision, prepared by Group Hanover, Inc. entitled "Final Subdivision Plan Cambrian Hills", and being Lot 1 of said subdivision dated February 11, 2004, project number 012482 and being recorded in Adams County Recorder of Deed in Plat Book 86 page 88 and 88A and bounded and limited as follows:

BEGINNING at a point on the southerly side of Green Springs Road (SR-2033) at lot 2 of the above stated subdivision; thence along lot 2, with a curve to the right, an arc length of 31.95 feet, a radius of 20.00 feet, with a chord bearing and distance of South 78 Degrees 27 Minutes 04 Seconds East, 28.66 feet to a point on said lot 2; thence along the same South 32 Degrees 40 Minutes 57 Seconds East, 40.39 feet to a point at the same; thence along the same, with a curve to the right, an arc length of 69.26 feet, a radius of 475.00 feet, with a chord bearing and distance of South 28 Degrees 30 Minutes 19 Seconds East, 69.20 feet to a point at the same; thence along the same South 24 Degrees 19 Minutes 41 Seconds East, 1596.30 feet to a point at the same; thence along the same South 72 Degrees 30 Minutes 47 Seconds West, 237.05 feet to a point at the same; thence along the same South 21 Degrees 11 Minutes 56 Seconds East, 100.21 feet to a steel pin at lands of Everchanging Landscapes; thence along lands of Everchanging Landscapes and passing through a steel pin 58.97 feet from the terminal end of the about to be described line South 72 Degrees 32 Minutes 55 Seconds West, 386.14 feet to a point on the westerly edge of Carlisle Pike (SR-0094); thence along and through said road North 24 Degrees 19 Minutes 41 Seconds West, 1644.77 feet to a point on the easterly edge of Carlisle Pike (SR-0094) and in the cartway entrance of Green Springs Road North 55 Degrees 46 Minutes 50 Seconds East, 598.97 feet to the point of beginning, Containing 24.319 acres.

TAX MAP L 12, PARCEL 96

ALL the following described tract of land, together with the improvements thereon erected, situate, lying and being in Berwick Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at a point in the center of Carlisle Pike (SR 0094) at corner of Ultimate Lot #2 on the hereinafter referred to Subdivision Plan; thence in, along and through said Carlisle Pike, North 18 degrees 30 minutes 40 seconds West, 358.27 feet to a point; thence continuing further in, along and through said Carlisle Pike, North 14 degrees 37 minutes 40 seconds West, 152.70 feet to a point on the eastern side of said Carlisle Pike; thence crossing said Carlisle Pike, North 57 degrees 22 minutes 40 seconds West, 81.68 feet to a steel pin set on the western side of said Carlisle Pike; thence along the western side of said Carlisle Pike, North 20 degrees 49 minutes 29 seconds West, 81.29 feet to a steel pin set; thence crossing said Carlisle Pike and along other lands now or formerly of J. Barry and Nancy V. Bittinger, and passing through a steel pin set 58.79 feet from the beginning hereof, North 76 degrees 03 minutes 07 seconds East, 386.13 feet to a steel pin set; thence continuing further along said J. Barry Bittinger lands, South 18 degrees 24 minutes 10 seconds East, 137.26 feet to a steel pin set; thence continuing further along said lands, North 79 degrees 27 minutes 13 seconds East, 250.66 feet to a steel pin set; thence continuing further along said J. Barry Bittinger lands, South 19 degrees 13 minutes 34 seconds East, 114.30 feet to a point in an existing macadam drive at corner of Ultimate Lot #2 on the hereinafter referred to subdivision plan; thence along said Ultimate Lot #2 and continuing in said macadam drive, South 30 degrees 57 minutes 00 seconds West, 272.89 feet to a point; thence continuing along the same by a curve to the left, the radius of which is 1,236.14 feet, for an arc distance of 188.26 feet, the long chord of which is South 26 degrees 35 minutes 13 seconds West, 188.08 feet to a point; thence continuing along the same, South 21 degrees 57 minutes 45 seconds West, 6.19 feet to a point; thence leaving said macadam drive and continuing along Ultimate Lot #2, and passing through a steel pin set 30.14 feet from the end hereof, South 66 degrees 00 minutes 00 seconds West, 246.63 feet to the point and place of BEGINNING. CONTAINING 5.7451 net acres or 6.2052 gross acres.

The above description was taken from a Final Subdivision Plan for J. Barry & Nancy V. Bittinger and John R. and Shirley B. Bittinger, by Worley Surveying, dated April 14, 1999 and recorded in Adams County Plat Book 77, Page 29, being Ultimate Lot #1 thereon.

TAX MAP L 13, PARCEL 2

ALL those two (2) lots of ground situate on the East side of the Hanover-Carlisle State Highway in Berwick Township, Adams County, Pennsylvania, which is bounded and described as follows:

Tract No. 1 - BEGINNING at a point at the center of the State Highway aforesaid at lands now or formerly of A.N. Draper; thence by said lands in an Easterly direction for a distance of two hundred twenty-five (225) feet to a stake at land of the same and other land now or formerly of Melvin Nace, et ux.; thence by land now or formerly of Melvin Nace, et ux., in a Southerly direction for a distance of one hundred ten (110) feet to a stake at other land now or formerly of Melvin Nace, et ux.; thence by said lands in a Westerly direction for a distance of two hundred twenty-five (225) feet to a point in the center of the State Highway aforesaid; thence by the center of said State Highway in a Northerly direction for a distance of one hundred ten (110) feet to a point, the place of BEGINNING.

Tract No. 2 - BEGINNING at a point in the center of the State Highway aforesaid at other land now or formerly of Ida N. Nace; thence by said lands in an Easterly direction for a distance of two hundred twenty-five (225) feet to a stake at land of the same and other land now or formerly of Melvin Nace, et ux.; thence by land now or formerly of Melvin Nace, et ux.; in as Southerly direction or a distance of ten (10) feet to a stake at other land now or formerly of Melvin Nace, et ux.; thence by said lands in a Westerly direction for a distance of two hundred twenty-five (225) feet to a point in the center of the State Highway aforesaid; thence by the center of said State Highway in a Northerly direction for a distance of ten (10) feet to a point, the place of BEGINNING.

TAX MAP L 13, PARCEL 2 D

ALL THAT CERTAIN tract of land with the improvements erected thereon, situate, lying and being in Berwick Township, Adams County, Pennsylvania, described as follows, to wit:

BEGINNING for a corner at a point in the center of the Carlisle Pike (PA State Route SR 0094) at lands now or formerly of Loretta M. Nace, the said point being the northwestern most corner of the herein described tract of land; thence leaving the said road by lands of Loretta M. Nace (1) North 65 degrees 32 minutes 00 seconds East, 225.00 feet to an iron pipe; passing through an iron pipe 25.00 feet from the beginning thereof; thence by lands of the same (2) North 19 degrees 21 minutes 45 seconds West, 120.00 feet to an iron pipe at lands now or formerly of John R. Bittinger; thence by said lands (3) North 65 degrees 09 minutes 30 seconds East, 1048.69 feet to a steel pin at lands now or formerly of Enos M. Shank; (4) South 17 degrees 49 minutes 00 seconds East, 797.84 feet to a point in the center of Hershey Heights Road (Township Route No. T-499); thence running in and through the center of said road (5) South 72 degrees 03 minutes 10 seconds West, 1229.52 feet to a point at the center of said road near the intersection of the said road with Carlisle Pike; thence in said road (6) North 19 degrees 53 minutes 10 seconds West 5.40 feet to a point in said road; thence still in said road (7) North 75 degrees 09 minutes 30 seconds West, 23.10 feet to a point in the center of Carlisle Pike; thence running in and through the center of said road (8) North 19 degrees 09 minutes 30 seconds West, 508.65 feet to a point in the center of said road, the place of BEGINNING.

TAX MAP L 13, PARCEL 2 A

ALL the following described tract of land, together with the improvements thereon erected, situate, lying and being partly in Berwick Township, Adams County, Pennsylvania, and partly in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a point at the intersection of Carlisle Pike (State Route No. 94) and Hershey Heights Road (Township Road No. T-499); thence in and through said Hershey Heights Road, North seventy-two (72) degrees three (03) minutes ten (10) seconds East, seven hundred fifty-seven and thirty-two hundredths ((757.32) feet to a railroad spike (set) in said Hershey Heights Road at Lot No. 3 of the hereinafter referred to Subdivision Plan; thence crossing said Hershey Heights Road passing through a steel pin set back twenty-two and twenty-seven hundredths (22.27) feet from the beginning hereof and continuing along said Lot No. 3, South eleven (11) degrees fifty-five (55) minutes thirty (30) seconds East, seven hundred four and sixteen hundredths (704.16) feet to an existing pipe in concrete at lands now or formerly of Charles A. Hershey; thence along said lands North eighty-nine (89) degrees thirty-two (32) minutes forty-five (45) seconds West, one hundred sixty (160) feet to an existing steel pin; thence along lands of same and passing through an existing fence post set back three (3.0) feet from the end hereof, South eighty-one (81) degrees eleven (11) minutes thirty (30) seconds West, five hundred nineteen (519) feet to a point on the southeastern side of the aforementioned Carlisle Pike; thence in and along the said Carlisle Pike, North nineteen (19) degrees fifty-three (53) minutes ten (10) seconds West, five hundred sixty-seven and sixty-six hundredths (567.66) feet to the point and place of BEGINNING. CONTAINING 10.230 Acres and identified as Lot No. 2 on a final Subdivision Plan prepared for Ruth H. Nace Estate by George M. Wildasin, Registered Professional Land Surveyor, dated February 25, 1994, which said plan is intended to be recorded herewith.