

**PENN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 03-2020**

**AN ORDINANCE OF THE TOWNSHIP OF PENN, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE PENN TOWNSHIP ZONING ORDINANCE OF 2008 TO AMEND THE PERMITTED SIZE OF A DETACHED ACCESSORY BUILDING SERVING A DWELLING**

**WHEREAS**, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

**WHEREAS**, the Board of Supervisors of Penn Township enacted a Comprehensive Zoning Ordinance on October 27, 2008 ("Zoning Ordinance"); and

**WHEREAS**, Penn Township has subsequently amended the Zoning Ordinance from time to time; and

**WHEREAS**, the Zoning Ordinance provides in Section 602 entitled "Residential Accessory Buildings, Structures, and Uses", Subsection 2 entitled "Use Regulations", Letter b. entitled "Detached Garages" limits the maximum length of any side of the garage serving a dwelling shall be thirty-six (36) feet; and

**WHEREAS**, the Board of Supervisors of Penn Township desires to amend the Zoning Ordinance to enlarge the size of a detached accessory building serving a dwelling; and

**WHEREAS**, the Board of Supervisors of Penn Township desires to further amend the Zoning Ordinance to amend the title of Section 602(2)(b) to include all residential detached accessory structures and not only detached garages.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Penn, Berks County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code as follows:

**SECTION 1.** Zoning Ordinance Number 2008-05 enacted on October 27, 2008, is hereby amended by amending Section 602 entitled "Residential Accessory Buildings, Structures, and Uses", Subsection 1 entitled "General" to add a Letter e. that shall be entitled "Accessory Buildings" which shall read in its entirety as follows:

- e. The maximum square footage and length of detached accessory buildings and location thereof in relation to dwelling of detached accessory buildings shall be regulated by Section 602(2)(b).

**SECTION 2.** Zoning Ordinance Number 2008-05 enacted on October 27, 2008, is hereby amended by amending Section 602 entitled "Residential Accessory Buildings, Structures, and

Uses", Subsection 2 entitled "Use Regulations", Letter b is renamed from "Detached Garage" to "Detached Accessory Building".

SECTION 3. Zoning Ordinance Number 2008-05 enacted on October 27, 2008, is hereby amended by amending Section 602 entitled "Residential Accessory Buildings, Structures, and Uses", Subsection 2 entitled "Use Regulations", Letter b entitled "Detached Accessory Building" is amended to read in its entirety as follows:

Detached Accessory Buildings - Within the H Zoning District and lots less than three (3) acres in size the maximum length of any side of the detached accessory building shall be thirty-six (36) feet. Within all districts except the H Zoning District, on lots three (3) acres in size or greater, a detached accessory building serving a dwelling shall not exceed 3000 square feet and the maximum length shall not exceed sixty feet (60') provided they can meet the lot coverage requirements for the applicable zoning district. No such detached accessory building shall be located within ten (10) feet of a dwelling.

SECTION 4. Severability.

If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 5. Other Ordinances.

All other articles, sections, parts and provisions of the Penn Township Zoning Ordinance of 2008, as amended, and the Ordinances of Penn Township shall remain in full force and effect as previously enacted and amended.

SECTION 6. Repealer.

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.


SIGNATURES ON NEXT PAGE

ENACTED AND ORDAINED as an Ordinance of Penn Township, Berks County, Pennsylvania, this 31<sup>st</sup> day of August, 2020.

**BOARD OF SUPERVISORS OF  
PENN TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA**



  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Member

ATTEST:


  
\_\_\_\_\_  
Secretary



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2020-03 adopted by the Board of Supervisors of Penn Township, Berks County, Pennsylvania at a public meeting held on August 31, 2020, pursuant to notice as required by law.

Dated: August 31, 2020

  
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Township Secretary