

ORDINANCE NO. 2010- 1

AN ORDINANCE OF THE TOWNSHIP OF GREENWICH, COUNTY OF BERKS AND COMMONWEALTH OF PENNSYLVANIA, AMENDING THE GREENWICH TOWNSHIP ZONING ORDINANCE NO. 102 ADOPTED 1976, AS AMENDED NOVEMBER 6, 2000 AND MARCH 3, 2003, TO ARTICLE IV "DISTRICT REGULATIONS", BY AMENDING SECTION 401 "AP-AGRICULTURAL PRESERVATION DISTRICT", BY AMENDING SECTION 401.8 TO ADD 401.8 G - "TEMPORARY HOUSING FOR IMMEDIATE FAMILY (INCLUDING CHILDREN, GRANDCHILDREN, PARENTS, AND GRANDPARENTS DUE TO AGE, ILLNESS OR INFIRMITY" AS A CONDITIONAL USE AND AMENDING SECTION "R-RURAL DISTRICT", BY AMENDING SECTION 403.1 C. TO ADD 403.1 C. 6. "TEMPORARY HOUSING FOR IMMEDIATE FAMILY (INCLUDING CHILDREN, GRANDCHILDREN, PARENTS, AND GRANDPARENTS DUE TO AGE, ILLNESS OR INFIRMITY" AS A CONDITIONAL USE

BE IT ORDAINED and ENACTED by the Board of Supervisors of Greenwich Township, Berks County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. The Greenwich Township Zoning Ordinance of 1976, as amended November 6, 2000 and March 3, 2003, is hereby further amended at Article IV, District Regulations, Section 401 "AP-Agricultural Preservation District", by amending Section 401.8 to add 401.8 G as follows:

"Section 401.8

G. Temporary Housing for Immediate Family (including Children, Grandchildren, Parents, and Grandparents Due To Age, Illness or Infirmary.

(A) One (1) temporary mobile home may be placed on said lot of Record Property Owner ("Property Owner") for the temporary housing to be utilized solely by the immediate family (including children, grandchildren, parents, and grandparents) of one of the record resident Property Owners who, along with the Property Owner, shall enter into an agreement with the Township known as "Agreement for Temporary Placement of Mobile Home for Immediate Family of Property Owner" ("Agreement"), upon the determination of the Greenwich Township Board of Supervisors that the following criteria has been met:

1. The mobile home is for temporary housing to be utilized solely by the immediate family (including children, grandchildren, parents, and grandparents) of one of the Property Owners. For the purposes of this Ordinance, the term "immediate

family" shall be defined as the natural mother and father, or step-parents, children, grandchildren, and grandparents of either of the record resident Property Owners of said property.

2. The lot on which the temporary mobile home is to be placed must comply with all area and bulk requirements pursuant to Section 401.10.B.2 of the Greenwich Township Zoning Ordinance of 1976, as amended November 6, 2000 and March 3, 2003, provided however the Minimum Net Lot Area required shall be increased from 1 acre to 2 acres.

3. The location of said mobile home complies with all other applicable zoning and subdivision and land development regulations of Greenwich Township, Berks County, Pennsylvania.

4. The location of said mobile home meets all requirements of appropriate sanitary sewage disposal and water supply. Property Owner shall be required to secure appropriate certification from the Township Sewage Enforcement Officer that the existing septic sewage system used for the Property Owner's primary residence on said lot has the capacity to have the temporary mobile home connected thereto. If the existing system cannot be so certified, the Property Owner must upgrade the existing system to meet this requirement. If the existing system cannot be upgraded for any reason whatsoever, including, but not limited to, property constraints, soil conditions or current DEP regulations, a new septic system must be constructed which can be certified to accept the sewage flows from both the primary residence and the temporary mobile home. In no event shall a second independent sewage system be constructed to satisfy this requirement. No approval of said temporary mobile home shall occur until SEO certification is obtained.

5. Financial security shall be posted by the Property Owner in an amount set forth in the Agreement between the parties. Said financial security shall be held in an escrow account for the duration of the existence of the temporary mobile home on the property.

6. The immediate family of the Property Owner shall qualify for the temporary mobile home residency because they are unable due to age, illness or other infirmity, to safely reside alone, without the care and/or supervision of another person or persons. Specific medical documentation, as may be requested, shall be provided to the Board of Supervisors. No more than two (2) persons shall reside in said temporary mobile home at any one time.

7. The Township will not approve a second driveway to access the temporary mobile home. The existing residential driveway shall be extended and/or modified as needed to provide access for the temporary mobile home.

8. The said mobile home is located within one hundred (100) yards of the residence of the Property Owner.

9. The location and placement of the mobile home shall comply with the applicable Pennsylvania Uniform Construction Code and all other applicable state and local building codes.

10. The placement and usage of said mobile home shall be temporary and shall not extend beyond the time that such aged, ill or otherwise infirm parent or parents reside therein.

11. Prior to granting approval as herein provided by the Board of Supervisors, the Property Owner, shall agree in writing with the Township that said owner or owners, their heirs, successors and assigns, shall at their expense remove said temporary mobile home from said property within forty-five (45) days after the time that said aged, ill, or otherwise infirm immediate family thereof die and/or vacate the temporary mobile home; or within forty-five (45) days after the Property Owner moves to a place more than one hundred (100) yards from said mobile home, or ceases to care for and/or supervise said aged, ill, or otherwise infirm immediate family; or at the expiration of the Agreement and/or failure to renew said Agreement as set forth in this Ordinance.

12. In the event the temporary mobile home is not removed pursuant to paragraph 10 above, the Township may, after thirty (30) days prior written notice to Property Owner, use the monies held in escrow to enter upon the property and remove said temporary mobile home. In the event the escrow monies are insufficient, Property Owner shall remain liable to reimburse Township for any costs associated therewith. Such costs shall include, but are not limited to, demolition, transportation, storage, administration and/or attorneys' fees and court costs.

13. Prior to approval of said temporary mobile home permit, the Property Owner shall be required to submit the appropriate application and filing fee, to be established by a resolution, to the Township, and if approved by the Board of Supervisors, shall enter into a binding Agreement, as set forth above in Paragraph (A) relative to the temporary location of said mobile home, which shall be recorded in the Recorder of Deeds Office of Berks County.

14. The Property Owner shall be required to pay any and all attorneys' fees and engineering fees incurred by the Township in the preparation of the Agreement and in the enforcement of this Ordinance.

15. The approval of said temporary mobile home permit shall be for a period of twelve months, which may be extended for successive one (1) year periods on an annualized basis as approved by the Board of Supervisors. Property Owner must submit a request, in writing, stating why the temporary mobile home is still necessary. All permits shall be renewed as of the July Township Board of Supervisors meeting of each

year. If approval is not granted, the Property Owner must attend the next meeting of the Board of Supervisors. Failure to attend the meeting or failure of the permit to be extended may result in the immediate revocation of the permit and removal of the temporary mobile home pursuant to this Ordinance."

SECTION 2. The Greenwich Township Zoning Ordinance of 1976, as amended November 6, 2000 and March 3, 2003, is hereby further amended at Article IV, District Regulations, Section 403 "R-Rural District", by amending Section 403.1 C. to add 403.1 C. 6 as follows:

"Section 403.1 C.

6. Temporary Housing for Immediate Family (including Children, Grandchildren, Parents, and Grandparents Due To Age, Illness or Infirmary).

(A) One (1) temporary mobile home may be placed on said lot of Record Property Owner ("Property Owner") for the temporary housing to be utilized solely by the immediate family (including children, grandchildren, parents, and grandparents) of one of the record resident Property Owners who, along with the Property Owner, shall enter into an agreement with the Township known as "Agreement for Temporary Placement of Mobile Home for Immediate Family of Property Owner" ("Agreement"), upon the determination of the Greenwich Township Board of Supervisors that the following criteria has been met:

1. The mobile home is for temporary housing to be utilized solely by the immediate family (including children, grandchildren, parents, and grandparents) of one of the Property Owners. For the purposes of this Ordinance, the term "immediate family" shall be defined as the natural mother and father, or step-parents, children, grandchildren, and grandparents of either of the record resident Property Owners of said property.

2. The lot on which the temporary mobile home is to be placed must comply with all area and bulk requirements pursuant to Section 403.2.A.2 of the Greenwich Township Zoning Ordinance of 1976, as amended November 6, 2000 and March 3, 2003, provided however the Minimum Net Lot Area required shall be increased from 1 acre to 2 acres.

3. The location of said mobile home complies with all other applicable zoning and subdivision and land development regulations of Greenwich Township, Berks County, Pennsylvania.

4. The location of said mobile home meets all requirements of appropriate sanitary sewage disposal and water supply. Property Owner shall be required to secure appropriate certification from the Township Sewage Enforcement Officer that the existing septic sewage system used for the Property Owner's primary residence on said lot has the capacity to have the temporary mobile home connected thereto. If the existing system cannot be so certified, the Property Owner must upgrade the existing system to meet this requirement. If the existing system cannot be upgraded for any reason whatsoever, including, but not limited to, property constraints, soil conditions or current DEP regulations, a new septic system must be constructed which can be certified to accept the sewage flows from both the primary residence and the temporary mobile home. In no event shall a second independent sewage system be constructed to satisfy this requirement. No approval of said temporary mobile home shall occur until SEO certification is obtained.

5. Financial security shall be posted by the Property Owner in an amount set forth in the Agreement between the parties. Said financial security shall be held in an escrow account for the duration of the existence of the temporary mobile home on the property.

6. The immediate family of the Property Owner shall qualify for the temporary mobile home residency because they are unable due to age, illness or other infirmity, to safely reside alone, without the care and/or supervision of another person or persons. Specific medical documentation shall be provided to the Board of Supervisors. No more than two (2) persons shall reside in said temporary mobile home at any one time.

7. The Township will not approve a second driveway to access the temporary mobile home. The existing residential driveway shall be extended or modified as needed to provide access for the temporary mobile home.

8. The said mobile home is located within one hundred (100) yards of the residence of the Property Owner.

9. The location and placement of the mobile home shall comply with the applicable Pennsylvania Uniform Construction Code and all other applicable state and local building codes.

10. The placement and usage of said mobile home shall be temporary and shall not extend beyond the time that such aged, ill or otherwise infirm parent or parents reside therein.

11. Prior to granting approval as herein provided by the Board of Supervisors, the Property Owner, shall agree in writing with the Township that said owner or owners, their heirs, successors and assigns, shall at their expense remove said temporary mobile home from said property within forty-five (45) days after the time that said aged, ill, or otherwise infirm immediate family thereof die and/or vacate the temporary mobile home; or within forty-five (45) days after the Property Owner moves to a place more than

one hundred (100) yards from said mobile home, or ceases to care for and/or supervise said aged, ill, or otherwise infirm immediate family; or at the expiration of the Agreement and/or failure to renew said Agreement as set forth in this Ordinance.

12. In the event the temporary mobile home is not removed pursuant to paragraph 10 above, the Township may, after thirty (30) days prior written notice to Property Owner, use the monies held in escrow to enter upon the property and remove said temporary mobile home. In the event the escrow monies are insufficient, Property Owner shall remain liable to reimburse Township for any costs associated therewith. Such costs shall include, but are not limited to, demolition, transportation, storage, administrative and/or attorneys' fees and court costs.

13. Prior to approval of said temporary mobile home permit, the Property Owner shall be required to submit the appropriate application and filing fee, to be established by a resolution, to the Township, and if approved by the Board of Supervisors, shall enter into a binding Agreement, as set forth above in Paragraph (A) relative to the temporary location of said mobile home, which shall be recorded in the Recorder of Deeds Office of Berks County.

14. The Property Owner shall be required to pay any and all attorneys' fees and engineering fees incurred by the Township in the preparation of the Agreement and in the enforcement of this Ordinance.

15. The approval of said temporary mobile home permit shall be for a period of twelve months, which may be extended for successive one (1) year periods on an annualized basis as approved by the Board of Supervisors. Property Owner must submit a request, in writing, stating why the temporary mobile home is still necessary. All permits shall be renewed as of July Township Board of Supervisors meeting of each year. If approval is not granted, the Property Owner must attend the next meeting of the Board of Supervisors. Failure to attend the meeting or failure of the permit to be extended may result in the immediate revocation of the permit and removal of the temporary mobile home pursuant to this Ordinance."

SECTION 3. All Ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

SECTION 4. The provisions of this Ordinance are severable and if any provision or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not effect or impair the remaining provisions or parts thereof, of this Ordinance.

SECTION 5. This Ordinance shall take effect five (5) days subsequent to its passage.

ORDAINED AND ENACTED by the Board of Supervisors of Greenwich Township, Berks County, Pennsylvania, in lawful session duly assembled, this 1st day of February, 2010.

BOARD OF SUPERVISORS OF GREENWICH
TOWNSHIP, BERKS COUNTY, PA

U J M By
Chairman

Harry J. Hoppes
Supervisor

Lyn Ann
Supervisor

Attest:

Alice Flyte
Township Secretary