ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA AMENDING THE MAIDENCREEK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1992 (TOWNSHIP ORDINANCE NO. 135 ADOPTED NOVEMBER 23, 1992 AND AMENDED BY ORDINANCE NO. 193 ADOPTED JUNE 19, 2003) BY FURTHER AMENDING ARTICLE IV BY PROVIDING FOR ADDITIONAL PROVISIONS FOR PLAN REVIEWS AND PLANS THAT MAY BE EXEMPT FROM STANDARD PROCEDURES

WHEREAS, the Township of Maidencreek, Berks County Pennsylvania (The Township) duly adopted Ordinance Number 135 on November 23, 1992 known as the Maidencreek Township Subdivision and Land Development Ordinance of 1992 (SALDO); and,

WHEREAS, the Township amended the SALDO by Ordinance Number 193 on June 19, 2003; and,

WHEREAS, the Township receives frequent requests to waive plan review and approval procedures under the SALDO from applicants claiming that particular projects, changes in use, and similar circumstances do not require the level of review and attendant expenses associated with the same;

WHEREAS, the Township believes it is in the best interests of its citizens to create standards and criteria for evaluating such requests while at the same time creating a review process to protect the public Health, Safety and Welfare;

WHEREAS, the Township takes this opportunity to amend another Section in accordance with the Municipalities Planning Code; and

NOW THEREFORE in consideration of the above recitals which are incorporated herein by reference, the Board of Supervisors of the Township of Maidencreek, Berks

County, Pennsylvania, that, pursuant to the authority set forth in the Pennsylvania Municipalities Planning Code, as amended, and the authority set forth in the Pennsylvania Second Class Township Code as amended, the Board of Supervisors hereby enacts and ordains the following:

Section 1. Ordinance No.135, as amended by Ordinance No. 193, known as the Maidencreek Township Subdivision and Land Development Ordinance of 1992 (SALDO) is further amended as follows: Article IV, Section 411 (Plans Exempted from Standard Procedures) is amended by adding a new Subsection E to read as follows:

E. The Board of Supervisors may entertain a waiver of full compliance with all of the plan review and approval provisions of Article IV of this Ordinance for submissions that meet all of the following provisions and conditions:

1. Criteria for exemption - A plan for which the purpose is to provide a change in use on an existing developed tract of land.

   a. The proposed use must have been permitted in that Zoning District, or approved by prior variance or court order. No use that requires a special exception or conditional use will qualify for this exemption.

   b. There is no subdivision of land or annexation of land proposed.

   c. There will be no public improvements constructed.

   d. There will be no change to the building footprint or increase to impervious area.

   e. There are no documented or known public health or safety issues with the existing tract of land.

   f. There will be no change to the method, direction or increase in rate of stormwater leaving the property.

   g. Any increase in traffic must be documented and such impact on existing streets and neighboring properties mitigated.

   h. The proposed use cannot cause public safety issues: vibration, air quality, electromagnetic, fire & explosive, radioactive material, glare & heat, non-radioactive liquid & solid waste.

2. Submission and Review Procedures

a. A complete plan and zoning application shall be submitted to the Township along with fees as set forth in the Township Fee Schedule.

b. The plan shall be reviewed and commented on by the following agencies:

i. Maidencreek Township Planning Commission, and Zoning Officer,

ii. Maidencreek Township Authority (if in the public water and sewer area of the Township), and

iii. Maidencreek Township Fire Marshal.

c. The plan shall be reviewed by the Board of Supervisors.

d. A zoning permit, which lists any conditions imposed by the Board of Supervisors when granting plan approval, shall be issued to the applicant by the Zoning Officer. The approved plan will not be recorded but will be attached to the zoning permit and kept on file in the Township Office.

e. When the applicant has completed any and all conditions imposed by the Board of Supervisors for plan approval and all proposed work set forth in any zoning and building permits, the Zoning Officer will do a final inspection of the property. Upon passing the final inspection, a certificate of occupancy will be issued by the Zoning Officer to the property owner for the new use.

3. Plans shall at a minimum provide information to show compliance with the following Zoning Ordinance Regulations:

a. Area and Bulk Regulations

b. Parking and Truck Loading Requirements per Section 1308

c. Performance Standards per Section 1310

d. Additional Regulations per Specific Use per Sections 1312 through Section 1324

4. In addition to showing compliance with all the above provisions, the plan shall also show the following information:

a. Name and address of recorded owner and developer.

b. State the existing use and the proposed use of the property including all accessory uses.

c. Total tract boundary with bearings & distances.

d. Existing features including but not limited to: *

   i. Streets, driveways, parking areas, sidewalks

   ii. Utilities (electric, water, sewer, gas) public & private

   iii. Stormwater facilities

   iv. Buildings and all impervious surfaces

   v. Lighting

   vi. Screening & buffering

   vii. Solid waste disposal/pick-up

e. Proposed features which are a modification from the existing features.

f. The change in traffic from the existing use to the proposed use may be shown using the "Trip Generation Manual" published by the Institute of Transportation Engineers or a similar publication.

g. Name and address of the person preparing the plan.

h. Calculations and/or additional information shall be submitted with the plans as required to satisfy the above listed items.

*An existing "as-built" land development plan may be used to satisfy the requirements of item 3.d.

5. Nothing in this section shall exempt the applicant from securing any and all required local, state and federal permits and approvals including but not limited to planning modules, erosion and sediment control permits, driveway highway occupancy permit, prior to issuance of plan approval or zoning permit issuance.

Section 2. Ordinance No. 135, as amended by Ordinance No. 193, is further amended as follows: Section 405 (review of Preliminary Plan) Subparagraph D (review

by the Township Planning Commission), Subparagraph 2 is amended by deleting references to the "sixtieth (60th) day" and replacing the same with "ninetieth (90th) day."

Section 3. In the event any provision, section, sentence, clause or portion of this Ordinance is held to invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining Ordinance. Each provision of this Ordinance is severable for this purpose. It is the intent of the Board of Supervisors of the Township of Maidencreek that the remainder of this Ordinance shall remain in full force and effect notwithstanding the fact that any such portion thereof shall be invalid or unconstitutional.

Section 4. All Ordinances and/or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed in so far, but only in so far as the same are inconsistent therewith, and except as herein provided, the ordinance is hereby ratified and confirmed.

Section 5. This Ordinance shall take effect immediately upon adoption.

Ordained and Enacted, as an Ordinance by the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania in lawful session duly assembled this ___ day of _____, 2009.

BOARD OF SUPERVISORS OF MAIDENCREEK TOWNSHIP

_____
Claude Beaver, Chairman

_____
Roy Timpe, Member

Attest:

_____
Diane Hollenbach,
Township Secretary

_____
Joseph E. Rudderow III, Member