ORDINANCE NO._____

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP'S ZONING ORDINANCE MAKING TECHNICAL AMENDMENTS AND ADDRESSING HEARING NOTICES AND PROCEDURES.

WHEREAS, on March 11, 2010, the Township of Maidencreek, Berks County, PA (the Township) adopted Ordinance 223 codifying the Township's Ordinances (the Township Code);

WHEREAS, on March 27, 2017, the Township adopted Ordinance 243 which amended the Township Code by replacing Part II, Chapter 220 with new Chapter 220 which is known as the Maidencreek Township Zoning Ordinance of 2017, as amended" (the Zoning Ordinance);

WHEREAS, certain technical amendments and issues have come to light requiring technical amendments and changes;

NOW THEREFORE, in consideration of the above recitals, which are hereby incorporated by reference and made part hereof, the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania hereby ENACTS and ORDAINS as follows:

Section 1. Amendment to Article XI CR Commercial-Residential District

Part II General Legislation, Chapter 220, Zoning § 220-38 "Area and Bulk Regulations" is hereby amended under the category of ""Maximum extent of impervious surface" to provide for 35 percent of such coverage under Column two (2) entitled "Commercial uses where both water supply and sewage disposal are on site, or where either water supply or sewage disposal is provided by an individual on-site system"; and

to provide for 45 percent under Column three(3) entitled "Residential and commercial uses(except single-family semidetached dwellings), where both the water supply and the sewage disposal are provided by offsite community or public systems".

Section 2. Amendment to Article XIX Zoning Hearing Board

Part II General Legislation, Chapter 220, Zoning § 220-120. Hearings, subsection C is hereby amended deleting the existing language and replacing it with the following: "C. Public notice, as defined by this Chapter, shall be given for all hearings, and written notice, as defined by Subsection E below shall be given to the applicant, the Zoning Officer, and by first class mail to the owners of all properties within 1,000 feet of the property which is the subject of the hearing, and to any person who has made timely request for the same."

Section 3. Ratification and Repeals

All Ordinances and/or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed in so far, but only in so far as the same are inconsistent herewith, but except as expressly modified herein, the Zoning Ordinance and the Code of Ordinances is hereby ratified and confirmed and shall remain in full force and effect.

Section 4. Severability

The provisions of this Ordinance are severable and if any section, sentence, clause, or part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township of Maidencreek that such Ordinance would have been

enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 5. Effective Date

This Ordinance shall become effective five (5) days from the date of 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 _____, 2018.

BOARD OF SUPERVISORS OF
MAIDENCREEK TOWNSHIP

_____
Claude Beaver

_____
Joseph E. Rudderow, III

Attest:

_____
Diane Hollenbach,
Township Secretary/Manager

_____
Heidi Fiedler

ORLANDO LAW OFFICES

A Professional Corporation

Fax: (610) 370-1527
www.orlandolawoffices.com

2901 St. Lawrence Avenue, Suite 202
Reading, PA 19606

(610) 779-3830

300 E. Philadelphia Avenue
Boyertown, PA 19512
(610) 367-7443

RECEIVED
JAN 16 2018
BY

January 11, 2018

Cheryl Auchenbach, Community Planner III
Berks County Planning Commission
633 Court St., 14th Floor
Reading, PA 19601

VIA FIRST CLASS MAIL & EMAIL

Re: Maidencreek Township

Dear Cheryl:

Enclosed please find a proposed Amendment to the Maidencreek Township Code of Ordinances. Please provide your review and comments. The Board intends to consider this Amendment for adoption at an expected hearing date of February 8, 2018.

We look forward to hearing from you. Thank you very much.

Very truly yours,

Eugene Orlando, Jr.

EO/tmw
Enc.
cc: Diane Hollenbach, Township Manager

County of Berks
Planning Commission

Phone: 610.478.6300
Fax: 610.478.6316
Email: planning @countyofberks.com

Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601- 4309

Barry L. Schlouch, Chairman | Thomas C. McKeon, Vice-Chairman | Jodi L. Gauker, Secretary
James A. Adams | Glenn R. Knoblauch | James C. McCarthy, P.E. | Douglas R. Myers | Lee C. Olsen, AIA | Douglas Paul Rauch
Shannon L. Rossman, AICP, Executive Director | J. Chadwick Schnee, Esq., First Asst. County Solicitor

January 22, 2018

Maidencreek Township Supervisors
1 Quarry Road, P.O. Box 319
Blandon, PA 19510

Re: Act 247 Review, Zoning Ordinance Amendment

Dear Supervisors:

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, the Berks County Planning Commission has reviewed the proposal amending the Township's Zoning Ordinance. The following comments are offered for consideration:

1. The Township should consider providing for mailed or electronic notice as per Section 109 of the PAMPC.
2. Section 220-120 C. Depending upon the location of the property which is the subject of the hearing, mailing public notice to property owners located within a 1,000 feet could be a substantial task.

Thank you for the opportunity to comment. If you have any questions regarding this review, do not hesitate to contact me at 610-478-6300, Ext 6311. Section 609 (g) of the Pennsylvania Municipalities Planning Code requires that a copy of the adopted amendment be forwarded to our office within thirty days of enactment.

Yours Truly,

Cheryl Auchenbach, Planner III
BERKS COUNTY PLANNING COMMISSION

cc: Maidencreek Township Planning Commission
Maidencreek Township Solicitor
Maidencreek Township Engineer

MAIDENCREEK TWP. PLANNING COMMISSION

P.O. BOX 319, BLANDON, PA 19510

January 4, 2018

Maidencreek Township Board of Supervisors
PO Box 319
Blandon, PA 19510

At their January 3, 2018 meeting, the Maidencreek Township Planning Commission recommended by formal motion that the Board of Supervisors pass an ordinance as submitted and reviewed to amend Article XI CR section 220-38 Area and Bulk Regulations Commercial Residential District impervious surface and Article XIX section 220-120.C. Zoning Hearing Board public notice. The draft is attached for your review and possible action at your next meeting January 11, 2018.

If you have any questions, please call me at (610) 926-4920.

Sincerely,

Diane Hollenbach

Diane Hollenbach
Manager
Maidencreek Township

cc: E. Orlando
T. Unger

ORLANDO LAW OFFICES

A Professional Corporation

Fax: (610) 370-1527
www.orlandolawoffices.com

2901 St. Lawrence Avenue, Suite 202
Reading, PA 19606

(610) 779-3830

300 E. Philadelphia Avenue
Boyertown, PA 19512
(610) 367-7443

January 12, 2018

Berks County Law Library
Berks County Services Center
633 Court Street, 10th Floor
Reading, PA 19601

Re: Maidencreek Township Zoning Ordinance Amendment

Dear Sir or Madam:

Please find enclosed a copy of the proposed Maidencreek Township Ordinance to be enacted at Public Hearing scheduled for February 8, 2018, at 7:00 p.m. at the Maidencreek Township Municipal Building. I have also enclosed our check in the amount of $10.00 for the filing fee and an extra copy of the proposed Ordinance. Would you please time-stamp the copy and return it to our office in the enclosed postage prepaid envelope?

If you have any questions, please contact me. Thank you very much.

Very truly yours,

Eugene Orlando, Jr.

EO/tmw
Enclosures
cc: Diane Hollenbach, Township Manager

ORLANDO LAW OFFICES

A Professional Corporation

Fax: (610) 370-1527
www.orlandolawoffices.com

2901 St. Lawrence Avenue, Suite 202
Reading, PA 19606

(610) 779-3830

300 E. Philadelphia Avenue
Boyertown, PA 19512
(610) 367-7443

January 12, 2018

Reading Eagle Company
P.O. Box 582
345 Penn Street
Reading, PA 19603

Re: Maidencreek Township Zoning Ordinance Amendment

Dear Sir/Madam:

Enclosed for your records is a copy of the attested Ordinance, which the Notice of Public Hearing was forwarded for advertising by e-mail on January 12, 2018. Thank you very much.

Very truly yours,

Eugene Orlando, Jr.

EO/tmw
Enc.
cc: Diane Hollenbach, Township Manager

NOTICE TO RESIDENTS AND TAXPAYERS OF MAIDENCREEK TOWNSHIP, BERKS COUNTY, PA

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Township of Maidencreek, Berks County, PA, will hold a public hearing on February 8, 2018 at 7:00 PM at the Maidencreek Township Municipal Building, 1 Quarry Road, Blandon (Maidencreek Township), Berks County, PA 19510. The purpose of the public hearing is to inform the public and receive public comment and testimony regarding amending the Township's Zoning Ordinance to make two changes to the existing Ordinance by changing the percentage of total impervious coverage requirements in the CR Commercial Residential Zoning District, and adding provisions regarding public notice requirements for public hearings. The full text of the Ordinance is set forth below. A full and complete copy of the proposed Ordinance may be examined without charge or copies obtained for actual cost of copying of the same at the Maidencreek Township Municipal Building, 1 Quarry Road, Blandon, PA 19510 between the hours of 8:30 A.M. and 4:00 P.M. Monday through Friday. In addition, the proposed Ordinance is posted on the Township's website at www.maidencreek.net.

Immediately following the conclusion of the Public Hearing, the Board of Supervisors will convene its regular monthly Meeting of the Board of Supervisors at which the Board of Supervisors intends to consider this Ordinance and intends to adopt this same Ordinance at that meeting, as well as to consider any other business that may come before the Board. All interested parties are encouraged to attend and be heard.
Diane Hollenbach, Township Manager

ORDINANCE NO._____
AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP'S ZONING ORDINANCE MAKING TECHNICAL AMENDMENTS AND ADDRESSING HEARING NOTICES AND PROCEDURES.

WHEREAS, on March 11, 2010, the Township of Maidencreek, Berks County, PA (the Township) adopted Ordinance 223 codifying the Township's Ordinances (the Township Code);
WHEREAS, on March 27, 2017, the Township adopted Ordinance 243 which amended the Township Code by replacing Part II, Chapter 220 with new Chapter 220 which is known as the Maidencreek Township Zoning Ordinance of 2017, as amended" (the Zoning Ordinance);
WHEREAS, certain technical amendments and issues have come to light requiring technical amendments and changes;
NOW THEREFORE, in consideration of the above recitals, which are hereby incorporated by reference and made part hereof, the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania hereby ENACTS and ORDAINS as follows:
Section 1. **Amendment to Article XI CR Commercial-Residential District**
Part II General Legislation, Chapter 220, Zoning § 220-38 "Area and Bulk Regulations" is hereby amended under the category of "Maximum extent of impervious surface" to provide for 35 percent of such coverage under Column two (2) entitled "Commercial uses where both water supply and sewage disposal are on site, or where either water supply or sewage disposal is provided by an individual on-site system"; and to provide for 45 percent under Column three(3)

entitled "Residential and commercial uses (except single-family semidetached dwellings), where both the water supply and the sewage disposal are provided by offsite community or public systems."

Section 2. Amendment to Article XIX Zoning Hearing Board

Part II General Legislation, Chapter 220, Zoning § 220-120. Hearings, subsection C is hereby amended deleting the existing language and replacing it with the following: "C. Public notice, as defined by this Chapter, shall be given for all hearings, and written notice, as defined by Subsection E below shall be given to the applicant, the Zoning Officer, and by first class mail to the owners of all properties within 1,000 feet of the property which is the subject of the hearing, and to any person who has made timely request for the same."

Section 3. Ratification and Repeals

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 herewith, but except as expressly modified herein, the Zoning Ordinance and the Code of Ordinances is hereby ratified and confirmed and shall remain in full force and effect.

Section 4. Severability

The provisions of this Ordinance are severable and if any section, sentence, clause, or part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township of Maidencreek that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 5. Effective Date

This Ordinance shall become effective five (5) days from the date of 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 _____, 2018.

Signature lines intentionally omitted