MAIDENCREEK TOWNSHIP SOLICITOR'S REPORT

Orlando Law Office
Eugene Orlando, Jr.
2901 St. Lawrence Avenue
Reading, PA 19606

JANUARY
ITEMS AUTHORIZED BY SUPERVISORS

Zoning Ordinance and Map revision

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

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January 25, 2017

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

Re: Act 247 Review, Zoning Ordinance and Map

Dear Supervisors:

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, the Berks County Planning Commission has reviewed the revision to the Township's proposed Zoning Ordinance of 2016 (submitted Dec. 2016). The following comments are offered for consideration:

1. Section 220-1.B. Short title should be changed to "Maidencreek Township Zoning Ordinance of **2017**, as amended." (also cover page)
2. No-impact home based business is allowed by right in the C-R district, but is not reflected in the Table of Uses. The Table of Uses also does not reflect that no-impact home based business nor home occupations are allowed by right in the R-4 district.
3. Section 220-48 B (13) allows energy production facilities pursuant to Section 220-78; however, Section 220-78 is titled Power Generation. Staff notes that Power Generation is still allowed by Conditional Use in the SIA district. Is this the Township's intent? If so, it should include a reference to section 220-78. Are energy production facilities and power generation the same thing? Terminology should be consistent among sections (including definitions).
4. The Township may want to consider adding home occupation as a permitted use in the C-R district.
5. Should references to Sections 220-58 D & E be added to Section 220-58 A (6)?
6. Consider addressing the following in Section 220-58 E (SECS):
   - Establish a maximum height for ground mounted solar systems (typically 12-15 feet).
   - Specifically prohibit ground mounted systems in the front yard (unless you feel Section 220-58 A covers it).
   - Establish a setback for roof mounted solar panels from the edge of the roof to allow access by firefighters… (typically 3 feet).
   - Conformance to Pa Uniform Construction Code and industry standards, as applicable.
   - Decommissioning provisions.
   - Some ordinances address glare. (i.e. Systems shall be placed such that glare does not project onto nearby structures or roadways. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.)
7. Should Section 220-58 E (2) d be renumbered as 220-58 E (3)?
8. The AP district allows "Telecommunications facilities' by Special Exception. Since "telecommunications facilities" are not defined and wireless communication facilities are

permitted by CU, should this reference to telecommunications facilities be deleted? Section 220-16 B (4) also refers to Section 220-82 which is titled "Medical Marijuana". This reference should be deleted if telecommunications facilities is retained.

9. Section 220-81 B. There appears to be a typo in the chart under the category "Zoning District(s) Permitted" for "New Antenna/Existing Structure (3). Should "Add Districts" be "All Districts"?
10. Section 220-81 B. Under the chart notes there is a second subsection (1) titled "Permitted Uses by Right". Should these provisions be renumbered?
11. Are the provisions of Section 220-81 B (1) (b) 2) and Section 220-81 B (1) (b) 9) the same? Same question applies to Sections 220-81 B (2) (b) 2) and (2) (b) 8).
12. Section 220-81 B (2) (a) 4) refers to "additional approvals". What is meant by "additional approvals" and should they be spelled out?
13. Section 220-81 B (2) (c) 7 appears to contain a typo. Should "shirt" be "shift?
14. Section 220-81 B (2) (c) 10 mentions "modification of any existing tower". Since Section 220-81 B (2) (c) deals only with new towers, the reference to existing towers should be deleted.
15. Section 220-81 B (2) (c) 13) b) and c) appear to contain typos. Is "for" necessary in subsection b) and should "stand-along" be "stand-alone" in c)?
16. Section 220-81 B (2) (c) 14). Consider requiring a setback from above ground utility lines.
17. Sections 220-81 B (2) (c) 16) and 22) both talk about camouflage/stealth technology. Should they be combined?
18. Since Section 220-81 B (2) (d) strictly deals with towers inside the ROW of two State roads, PennDOT's HOP office should be given a chance to review these provisions.
19. Several subsections in Section 220-81 B (2) (d) contain the following phrases: as determined by the Township, to the satisfaction of the Township, or reviewed and approved by the Township. Since towers and related equipment will most likely be installed within PennDOT right-of-ways, these phrases should probably be to the Township and PennDOT, if applicable.
20. Section 220-81 B (2) (d) 5). Right-of-way should be added to the end of the sentence.
21. Section 220-81 B (2) (d) 6) a). Current language probably is not relevant and provisions should be added that the location of new poles and other above ground facilities shall be installed outside of the shoulder and highway clear zone as near to the right-of-way line as practicable, under the HOP and applicable PennDOT design provisions.
22. Since Section 220-81 B (2) (d) deals with new towers is subsection 6) g) even relevant?
23. Subsection (1) under Section 220-82 B (titled Medical Marijuana Dispensary) states that only a *health care* medical marijuana organization can dispense medical marijuana; however, your definition of medical marijuana dispensary specifically does not include a health care medical marijuana dispensary. This conflict should be resolved.
24. Section 220-102. Consider adding a provision that outdoor furnaces are installed in structures not intended for habitation by humans or domestic animals.

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 608 of the Pennsylvania Municipalities Planning Code requires that a copy of the adopted ordinance 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, Ed Kopicki