

**MINUTES
EXETER TOWNSHIP PLANNING COMMISSION WORKSHOP MEETING
JULY 1, 2013**

The Joint workshop Meeting of the Exeter Township Planning Commission and Economic Development Advisory Council was held on Monday, July 1, 2013 at the Township Hall, 4975 DeMoss Road, Berks County, Pennsylvania. Donald R. Wilson, Chairman, called the meeting to order at 7:05 p.m. followed by the Pledge to the Flag.

COMMISSION MEMBERS: Donald R. Wilson, Chairman
John W. Bittig, Vice Chairman
Gary L. Shane, Secretary
Glen Powell

ABSENT: Greg Unger

EDAC MEMBERS: Shawn Filby, Chair
Carolyn Brunschwyler, Secretary

BOARD MEMBER: Gary E. Lloyd, Vice Chairman

OTHERS IN ATTENDANCE: Joe Rogosky, GVC Consulting Engineer
Cheryl Franckowiak, Zoning Officer
Linda Cusimano, Recording Secretary

1. PROPOSED ZONING AMENDMENTS FROM THE BOARD OF SUPERVISORS

a. AP - §390-12.B(17)(c); D(5) AND §390-45.B(1),(2) & (3)

The Planning Commission discussed the zoning ordinance changes (see attached) and found that Section IV on page 8 should be renamed to include setbacks of existing principal structures. They also made the following motion:

MOTION BY Mr. Powell, seconded by Mr. Bittig, to recommend the Board of Supervisors restrict the setback exceptions to residential properties only, and not include commercial/industrial properties. The motion carried unanimously.

2. SUPERVISOR LLOYD ONLINE COLLABORATION PRESENTATION

Mr. Lloyd demonstrated Google Docs for the Planning Commission members. They were directed to Exeter.com – a site that Mr. Lloyd set up. Mr. Lloyd explained that there were tips and guidelines to help use the site. Mr. Lloyd stated that he didn't think local government has used this site as an open workspace before and our document structure could be saved as a Google template and be used by other municipalities (he would take out all of our specifics before saving). Mr. Lloyd planned on using the site during the budget process and planned on applying for the PA Government award for excellence for information technology. With that, he hoped our residents would get excited to use the site to offer their opinions. Mr. Lloyd demonstrated how to use the site to make comments on the Historical Area Control Ordinance that was being drafted by Ms. Lisa VanderLaan. Ms. VanderLaan asked that the Planning Commission review the ordinance and make comments prior to the next Planning Commission meeting on July 15th.

3. GENERAL DISCUSSION

Public Comment

Rick Littlehales, 6217 Pond View Dr., stated that he was present to discuss the Lighting Ordinance (as it was on the agenda) and asked what the Township felt were the problems with the ordinance and would take that information back to the lighting council to review. Ms. Franckowiak stated that it was her opinion that it was costing far too much for businesses that were already in existence when they wanted to make any changes or expand and with an eye towards being business friendly she believed she was doing her job bringing these issues before the Planning Commission and Board of Supervisors. Ms. Franckowiak further stated that Alebrije was a perfect example; they wanted to expand, but found out what was involved with a lighting plan and the costs to complete the process and decided not to go through with the expansion. Mr. Littlehales replied that Exeter took the retrofit out of the Ordinance.

Ms. Franckowiak replied only the section that made everyone in the township conform to the newly adopted lighting ordinance within three years. Ms. Cusimano and Mr. Rogosky read the two sections in the ordinance that stated businesses must provide lighting plans and make the necessary changes to be in compliance when they had any change in use/change of tenant/operator or expanded an already existing building. Mr. Rogosky suggested revising section 9.2.c. where they have to submit lighting plans for change in use. Ms. Franckowiak stated that one problem was that Mr. Littlehales (a previous Planning Commission member who drafted the ordinance) was apparently the only local consultant that prepared lighting plans. Mr. Littlehales replied that there are other consultants out there. Ms. Franckowiak asked if he could please provide names and contact information. Mr. Littlehales stated that he would be happy to do that. Mr. Littlehales then asked for a copy of the list of Lighting Ordinance waivers that were granted. Mr. Wilson gave him a copy of that list.

Lisa VanderLaan, Boyertown Pike, asked if Alebrije lighting was ok, but because they wanted to expand, then they needed to do a lighting plan and revise their lighting if it wasn't in compliance. Ms. Franckowiak replied that was correct. Ms. VanderLaan then asked Mr. Littlehales what would be the cost of a lighting plan for a business.

Mr. Littlehales replied it ranged greatly anywhere from \$300/\$500 to \$3,500/\$4,000. Ms. VanderLaan stated that she wanted to get an idea of the costs we were imposing on businesses. Ms. Franckowiak explained that in addition to the plan costs, the business has to pay review fees, costs of physical lighting improvements and inspection fees. In the case of Liberty Taproom with the cost of reviews, inspections and the actual lighting fixtures they spent over \$10,000 to comply. Ms. Franckowiak suggested that the previous lighting ordinance which prohibited light trespass onto any other property seemed not only sufficient but was one that the codes officers could enforce. The current ordinance cannot be enforced or plans reviewed without the assistance of our consultants which costs businesses unnecessarily.

Mr. Littlehales handed out an article about lighting for the Planning Commission to read. Ms. Franckowiak stated that when a business has a problem with the Lighting Ordinance she would send them to the Board of Supervisors for direction. Ms. VanderLaan reminded the Planning Commission to sign into Google Docs and read the Historical Area Control Ordinance and please make any comments.

Mr. Wilson stated that the next regularly scheduled Planning Commission meeting was July 15, 2013 at 7pm.

Respectfully Submitted,

Gary L. Shane,
Secretary

lrc

I, Andrew J. Bellwoar, Esquire of Siana, Bellwoar & McAndrew, LLP, Solicitor of Exeter Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance containing an amendment to the Exeter Township Code to be considered for adoption by the Exeter Township Board of Supervisors at its regularly-scheduled August 12, 2013 meeting.

/s/ Andrew J. Bellwoar
Andrew J. Bellwoar, Esquire
Siana, Bellwoar & McAndrew, LLP
Township Solicitor

EXETER TOWNSHIP
BERKS COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA: AMENDING THE TOWNSHIP OF EXETER ZONING ORDINANCE WHICH IS CODIFIED IN CHAPTER 390 OF THE EXETER TOWNSHIP CODE, BY REVISING THE DEFINITION OF THE TERM “ANIMAL HUSBANDRY;” AS WELL AS AMENDING PROVISIONS GOVERNING THE AGRICULTURAL PRESERVATION (AP) AND RESTRICTED OFFICE COMMERCIAL (ROC) ZONING DISTRICTS.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

SECTION I. The definition of “Animal Husbandry,” found in Section 390-6 of the Exeter Township Code is hereby amended as follows:

ANIMAL HUSBANDRY – The production, control and management of domestic animals, livestock and poultry.

SECTION II. Section 390-12 of the Exeter Township Code is hereby amended as follows:

§ 390-12. AP – Agricultural Preservation District

A. Specific Intent: The intent of the Agricultural Preservation District is as follows:

(1) To protect and promote the continuation of agriculture in areas with primary agricultural lands, per the Governor's Executive Order of October 14, 1997. Those areas being preserved Farmland, Farmland in Agricultural Security Areas, Farmland enrolled in Act 319 of 1974, as Amended (clean and green) or Act 515 of 1996, as amended, and land capability classes 1, II, HI and IV and other soils of statewide importance as defined by the Natural Resources conservation service.

- (2) To support the Governor's Executive Order regarding the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource across the Commonwealth of Pennsylvania.
- (3) To strengthen and preserve strong agricultural activity where farming is a viable component of the local economy.
- (4) To promote agricultural land uses and activities and other uses and activities which act in direct support of agriculture.
- (5) To protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, and to limit development which requires highway and other public facilities in excess of those required by agricultural uses.
- (6) To maintain, protect and stabilize agriculture as an on-going economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support of agriculture.
- (7) To enhance the economic viability of agricultural operations by allowing compatible low impact businesses as supplemental uses on properties.
- (8) To maintain the land resource base, that is, agricultural parcels or farms in sizes which will permit efficient, profitable agricultural operations.
- (9) To keep separate agricultural land use and activities from incompatible residential, commercial and industrial development, and public facilities.
- (10) The regulations set forth in this section seek to achieve the protection of land for agricultural purposes which is a legitimate zoning objective under the Municipalities Planning Code.
- (11) To further Section 603(b)(5) and 604(3) of the Municipalities Planning Code, which direct that zoning ordinance contain provisions designed to "preserve prime agriculture and farmland considering topography, soil type and classification, and present use."
- (12) To fully recognize that farming and agriculture activities are the highest best and a fully developed land use.
- (13) To put into action the goals of the Joint Comprehensive Plan for Amity Township, Exeter Township and St. Lawrence Borough that contains the intent to preserve agriculture and farmlands.

B. Permitted by Right. Land and buildings in an AP District may be used for the following purposes and no others unless a Special Exception as provided for in Subsection C or Conditional Use per Subsection D is granted:

- (1) All forms of agriculture, horticulture, animal husbandry and dairy farming, except intensive agricultural activities as defined in § 390-6, subject to § 390-32.
- (2) Nurseries and greenhouses.
- (3) Forestry activities including, but not limited to. Timber Harvesting per § 390-56.
- (4) Farm dwelling, subject to:
 - (a) Farm dwellings shall be limited to single family detached dwellings. No more than two dwelling units shall be permitted per 40 acres of farm. The total number of dwellings shall not exceed two.
 - (b) If constructed, a farm dwelling shall be constructed on a farm which is a minimum of 40 acres in size; however, if a farm less than 40 acres in size existed at the time of the enactment of the Exeter Township Zoning Ordinance of 2010, a farm dwelling shall be permitted on that farm.
 - (c) Subsequent to the construction of a farm dwelling, the farm dwelling shall remain in the same ownership as the farm on which it was constructed.
- (5) A single family detached dwelling on an existing lot (i.e., existing as the date of the enactment of the Exeter Township Zoning Ordinance of 2010 that is less than ten (10) acres.
- (6) Roadside stands for the sale of farm products grown on the premises per § 390-32A(8).
- (7) No Impact Home Based Business subject to § 390-39.
- (8) Farm-related business necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the sale and repair of farm and garden machinery, subject to:
 - (a) The conduct of the business on a farm shall be secondary to the use of the farm for agricultural activities.
- (9) Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the farm property.
- (10) Office of veterinarian.

- (11) Woodland or game preserves, wildlife sanctuary or similar conservation use.
- (12) Municipal use.
- (13) Accessory uses and structures to the above permitted uses, when on the same lot as the permitted use, per §§ 390-29 and 390-30.
- (14) Yard Sale per § 390-64.
- (15) Home Occupation subject to § 390-40.
- (16) Boarding Kennel (short term) subject to § 390.71.1
- (17) Rural business as listed below:
 - (a) Winery
 - (b) Equine facilities, riding stable, riding school, commercial boarding stable, include accessory uses, such as arenas, corrals, and exercise tracks.
 - (c) Rural farm market, grocery stores and agricultural related sales (sales area less than or equal to 2,000 sq. ft. unless the structure existed prior to enactment of this chapter)
 - (d) Pet grooming facility.
 - (e) Rural sawmill or planing mills or retail firewood operation.
 - (f) Blacksmith shops, farrier, harness making.
 - (g) Wood craftsmanship.
 - (h) Agritainment activities such as corn mazes and hayrides pursuant to temporary permits issued by the Zoning Officer.

C. Uses Permitted by Special Exception.

- (1) The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H and the following requirements:
 - (2) Uses
 - (a) Intensive agricultural activities, subject to the applicable requirements of §390-32.

(b) Repurposed buildings: existing agricultural structure converted to residence.

(c) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.

(1) Bed and Breakfast per § 390-63.

(2) Seasonal Outdoor Recreational Activities subject to § 390-33.

(3) Outdoor recreation uses including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and academies, golf courses (except miniature golf courses and driving ranges), hiking trails, trails for non-motorized bicycles, fishing, shooting and hunting clubs and areas, and camps (except campgrounds), subject to § 390-33.

(4) Kennel, Boarding Kennel.

(5) Rural farm market, grocery stores, and agricultural related retails sales (sales area 2,000 sq. ft. and over unless the structure existed prior to enactment of this chapter)

(6) Accessory uses and structures to the above uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations.

Agricultural Preservation District	MAXIMUM PERMITTED
BUILDING HEIGHT – PRINCIPAL BUILDING	
Farm Buildings and Structures (non-residential)	No restriction*
Residential Buildings	40 feet*
All Other Buildings and Structures	65 feet*
LOT COVERAGE	10 Percent of lot area
PAVED AREA	10 Percent of lot area
	MINIMUM REQUIREMENTS
LOT AREA	40 Acres
LOT WIDTH	
At Street Line	400 feet
At Setback Line	400 feet
	MINIMUM REQUIREMENTS
BUILDING SETBACK	75 feet
REAR YARD	75 feet
SIDE YARD	
Total	100 feet
One Side	50 feet
OPEN AREA	80 Percent of lot area

* May be further limited by International Building Code, Table 503

F. Performance Standards.

All uses permitted in the AP district shall provide off street parking, however, they are exempt from the requirements as outlined in § 390-37.

SECTION III. Section 390-26 of the Exeter Township Code is hereby amended as follows:

390-26. ROC – Restricted Office Commercial District

A. Specific Intent. It is the purpose of this District to provide an area for commercial uses which service the day to day needs of surrounding residential areas and which will not have adverse effects on those residential areas.

B. Uses Permitted by Right. Land and buildings served by public water and public/community sewer in an ROC District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provided for in Subsection D is granted:

- (1) Single Family detached dwelling.
- (2) Business, professional or governmental office or studio.
- (3) Municipal use.
- (4) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
- (5) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
- (6) Yard Sale per § 390-64.
- (7) No Impact Home Based Business, subject to § 390-39.
- (8) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A).
- (9) Cafeteria/restaurant as an accessory use in accordance with the following requirements:
 - (a) Minimum gross lot size of one (1) acre minimum.

(b) Primary access to the site must be from an arterial street or minor/major collector street as defined on the Township Street Classification Map.

(c) Use shall be incorporated into an office building as a secondary use and shall not be a stand-alone building.

(d) Use shall not exceed a total of twenty percent (20%) of the gross leasable area of the total office complex.

(e) Sales of alcoholic beverages shall be permitted as an accessory use to the cafeteria/restaurant only upon conformance with the following conditions:

(i) Securing a Zoning Permit in accordance with the provisions of § 390-81;

(ii) The applicant must notify the Township Zoning Officer and apply for a Zoning Permit for the specific floor plan for the cafeteria/restaurant facility, detailing areas where alcohol may be served;

(iii) All alcoholic beverages shall be sold and consumed only on the cafeteria/restaurant premises and shall conform to State and Local Regulations; and

(iv) Outdoor dining and alcoholic beverage consumption subject to the terms of the Zoning Ordinance and State and Local Regulations and shall be permitted as accessory uses to the cafeteria/restaurant only upon securing a Zoning Permit and Use and Occupancy Permit. Outdoor dining must comply with the requirements of the Township Noise Ordinance No. 692 (Chapter 257).

(f) Signage shall only be in accordance with §390-69 and § 390-92.

C. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:

(1) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school, or day care center.

(a) Schools shall be allowed a height limit of 50'.

(2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per Section 602 and 603.

D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.

(1) Bed and Breakfast per §390-63.

(2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

SECTION IV. Section 390-45 of the Exeter Township Code is hereby amended as follows:

A. On any lot on which a principal building existed at the effective date of this Chapter, an accessory building to such existing principal building which is constructed after the effective date of this Chapter does not have to be set back further from any street right-of-way than that of the principal building.

B. If the owner (or his/her agent) of a lot that has been developed in conformance with a prior iteration of this chapter applies for a building permit to expand the existing principal building and/or construct a permitted accessory building or structure, the owner may elect to proceed in conformance with a group of certain limited zoning regulations in effect at the time the owner acquired the lot at issue (the Prior Ordinance), but only if the owner provides the zoning officer with sufficient proof of the following and otherwise complies in all respects with this chapter:

- (1) the lot is developed, and was developed pursuant to an iteration of this chapter;
- (2) the owner of the lot for the building permit owned the lot continuously from the time the Prior Ordinance was in effect, up to the present; and
- (3) that in order to accomplish the expansion of the existing principal building and/or construction of a permitted accessory building or structure, the owner needs the benefit of the zoning regulations found in the Prior Ordinance for this group of --and only these --zoning regulations: Lot coverage; Paved area; Building setback; Rear yard; and/or Side yard; the owner cannot elect to proceed with some but not all of this group of zoning regulations.

SECTION V. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION VI. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION VII. Codification. Pursuant to the Second Class Township Code, 53 P.S. 66601(d), the Code of the Township of Exeter shall be amended to codify therein the instant ordinance provisions and those Zoning Ordinance amendments enacted by the Board since July 26, 2010.

SECTION VII. Effective Date. This Ordinance shall become effective five (5) days after the date of enactment.

ENACTED AND ORDAINED this _____ day of _____ 2013.

ATTEST:

Troy S. Bingaman, Secretary

**EXETER TOWNSHIP
BOARD OF SUPERVISORS**

Donald R. Wilson, Chairman

Gary E. Lloyd, Vice Chairman

Dona L. Starr

Kenneth A. Smith

Jeff Bukowski