

Board of Supervisors Ordinance Work Session Minutes
Wednesday, August 4, 2021, 4:00 P.M.

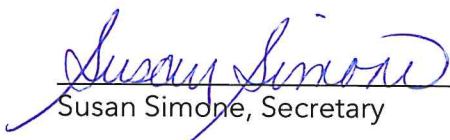
In-person Attendees: Supervisors Elaine DiMonte and Ray McKay; Gary Summers, Chairman, Planning Commission ("PC"). Consultants Amanda Sundquist, Township Solicitor; Kristin Camp, Planning Commission Solicitor. Supervisor Ricki Stumpo was not able to attend.

Public in attendance: 1

1. **Call to Order:** DiMonte called the meeting to order at 4:00 p.m.
2. **Public Comment:** Terry Gumpfer commented that he was concerned that the work session was scheduled at four o'clock in the afternoon and not the usual seven o'clock evening start time for public meetings. DiMonte and McKay responded that it was difficult to find a time to accommodate all parties to discuss the proposed draft ordinances prepared by the Planning Commission. Gumpfer voiced concern that a proposed ordinance will be passed without public comment. Sundquist explained the legislative process for passage of a municipal ordinance clarifying that legal notice is required with text of the ordinance, as well as the date and time of the hearing. Gumpfer was then recognized for his public comments on the proposed ordinances subject of the Work Session discussion. Gumpfer commented that the State Police will not enforce certain ordinances passed by the township. He said it is his understanding from a presentation during a public meeting that whether the State Police can or choose to enforce local ordinances are two entirely different questions. No other public comment.
3. **ATV Ordinance Amendment:** DiMonte indicated that she had no questions on the proposed ATV/Motorcycle Ordinance. Discussion points raised by McKay -
 - a. Property setback/minimum acreage - Camp and Summers agreed that the PC debated the particulars at length during the July meeting and the proposed text attempts to strike a balance. The 2-acre minimum and the 100-foot setback from an occupied structure was the compromise. McKay noted that given the dimensions of his own property, he sees compliance difficulties with these requirements. He cited the 50-foot setback in the Exeter Township example ordinance as appropriate. Camp pointed out that these provisions could be waived if abutting property owners provide written notice that they have no objection to set aside the setback requirement. DiMonte commented that seemingly the purpose of the amendment is an accommodation of sorts to allow a use that may be impacting a majority of residents. She added that it is not clear who will regulate the conditions and follow-up with the abutting property owners to verify that they have no objections or continue to have no objections to set aside requirements. She also wondered as to the feasibility of the provisions of the proposed ordinance to restrict riding on public roads.
 - b. Time allotment to ride - McKay commented that there is minimal difference between what is proposed and the Exeter Township example; however, he is concerned that the vehicles can run all day. Summers responded that the PC gave careful consideration to the recently enacted City of Coatesville Ordinance that limits riders to 1-hour rides with a 3-hour rest period between rides but recognized that enforcement

would be an issue. He added that the PC believes the current Noise and Nuisance Ordinance provide guidance and relief to some extent.

4. **Omnibus Ordinance Amendment:** DiMonte indicated that she had difficulty understanding the approach taken by the PC in crafting the draft, particularly when juxtaposed with the current Code. Discussion points raised by DiMonte as follows -
 - a. Zoning chapter deletions - Camp responded that the multiple deletions removed all references, definitions, detail, and explanation of Transferable Development Rights (TDR). Camp explained that the PC discussed at length that TDR seems to exist only in concept never having been applied in real time. Land preservation and concentration of development is accounted for within sections of the current Code. For this reason, the overarching strategy was to remove the TDR references. Sundquist noted that it appears the removals have been cross-referenced with substantive definitions added.
 - b. Districts - Camp pointed out proposed definitions for intensive agricultural use versus agricultural use, and the addition of general agricultural use requiring conditional use. There is a proposed definition for conditional use for recreation and entertainment activities that may be open to the public versus a private club. Sundquist noted additional references to TDR that need to be removed. Summers explained that the PC looked at the districts with an eye toward what makes sense in terms of commercial and recreational use, i.e., what makes sense as an allowable use in the C1 Neighborhood Commercial versus the Residential/Agricultural District. By example, Camp noted that the PC discussed at length the appropriate district for a shooting range as a private or commercial activity. Provisions for a shooting range do appear in the draft as a new section. Summers noted that the PC agreed to remove a number of specific uses, noting that calling out industrial metal stamping was no longer relevant.
 - c. Township Solicitor drill-downs - Sundquist reviewed the balance of the draft section-by-section noting, but not limited to, the following:
 - i. Campgrounds - campground and storage could be included in the Limited Industrial (LI) District
 - ii. Private Park - should be removed as it can present issues in land use given definition ambiguities that lack specificity in use requirements
 - iii. Passive and active recreation - add passive recreation to paragraph 7 as it is referenced in the definition section; remove from general Code sections
 - iv. Office and Definition of Office Use - edit to remove modifiers and definition falls under home occupation
 - v. Institutional District - museum use and theatre not part of institutional district
 - vi. Hotel/Motel - with no properties suitable, could be provided for in C1 Neighborhood Commercial.
 - d. Zoning map - Summers noted that the PC spent considerable time identifying and analyzing the effect on parcels proposed for the new institutional district. Care was taken to avoid impacting current use of any parcel within the proposed district that is currently used as a residential dwelling. One dwelling was identified that will remain in the proposed district. It is owned by the County and may or may not continue as a residential dwelling.
5. **Other Business:** no other business.
6. **Adjournment:** At 4:46 p.m., DiMonte moved, McKay seconded, to adjourn the work session; motion carried.


Susan Simone, Secretary


Elaine DiMonte, Vice Chairwoman