

East Manchester Township  
PLANNING COMMISSION MEETING  
AND  
ORDINANCE AMENDMENT REVIEW MINUTES  
August 27, 2013

At a regular meeting held at the Township Building, the following members were present: Blaine Rentzel, Robert Nace, Mike McCowan, and Mike Scarborough. Absent: Edward Hewitt. Also present: Engineer Laymon Mortorff, Zoning Officer Jon Beck, Recording Secretary, and five citizens. Chairman Rentzel called the meeting to order at 7:00 p.m.

**Minutes**

The minutes of the meeting of July 23, 2013, were approved with no formal motion or second.

**Plans**

No plans this month.

**Zoning Cases**

No cases this month.

**Work Session – EMT SALDO and Zoning Ordinance Amendments**

The Planning Commission reviewed the draft of the proposed amendments to the Subdivision and Land Development Ordinance and the Zoning Ordinance dated August 7, 2013, which was also presented to the Board of Supervisors for review. Mr. Mortorff will address Subdivision Ordinance amendments.

From the audience, Derek Armstrong asked about the keeping of chickens in the Township. He and his family are planning to move into the R-1 zone, 155 Griffith Lane, and he understands that chickens are not currently permitted on that property. They want to keep chickens for the eggs and possibly meat. He's hoping that local governments will follow the trend to permit the keeping of chickens. His lot is approximately 1.1 acres. He would like to keep 10 laying chickens and between 15 to 25 broiler birds, the latter being kept on a rotating basis. Mr. Beck noted that this is a large number of birds; most townships within the county require a minimum of two acres and have an animal density number to abide by. The usual density is far less than what Mr. Armstrong is proposing. Mr. Beck related the policies of other surrounding municipalities. Are chickens included in the term livestock? The current ordinance doesn't allow chickens. He would have the chickens in contained paddocks, not free-ranged. His neighbors' homes are over 25' from his property line. His house is built on the front corner with the bulk of the lot to the rear. He does not intend to keep roosters. Urban chicken raising is a national issue because of the desire for growing local food. Roosters are usually not permitted in the urban chicken ordinances. Waste will be composted. For his lot, a paddock area would be 3-5 square feet per bird. He would have four to six paddocks on his property, using an electric fence method. The coop would be portable, not permanent. How's the fence fit into the fence ordinance requirement? The coop would be an accessory structure; how's that apply? Mr. Nace would view the entire set-up, coop and paddock, as one operation. How about heating in the winter? If there's a windbreak and a sheltered area, heating would not be necessary, but the water would need to be heated. That would be accomplished with various gadgets, or by refilling the water a few times a day. The broiler chickens would be separate entity. A broiler life cycle is 8 weeks. An egg-laying chicken's life span is a bit longer. Mr. Beck noted that he has received many complaints about the keeping of chickens. No, no one is here to speak against the raising of chickens tonight, but once the amendments are advertised, the

opponents will likely show up. The Planning Commission will take this matter under consideration, realizing that this is indeed a wave of the future.

From the draft proposal, Section 1, developer's agreement, is a standard procedure for the Township. Mr. Rentzel questioned the Township Solicitor's preparation of the Agreement. This is to ensure that the improvements are actually completed and when, etc. The solicitor wants the agreement to be specific to each development, which is why he wants to prepare it. *Section 1 seems good as proposed.*

Section 2, homeowners' associations – the changes proposed strengthen the Township's ordinance, satisfying the Township Solicitor from a legal standpoint. Developers must abide by these guidelines when drafting their HOA agreements. Discussion was held on what happens when the HOA becomes insolvent and cannot pay for the lawn care and snow removal, etc. That can indeed be a problem, to which Mr. Beck can attest. Can the Township be held liable for any of that non-maintenance? Not usually. The responsibility falls to the residents. Is this addressed in the amendments? There are pros and cons to any homeowners' association situation. Mr. Beck also mentioned that sometimes the HOA is included only in the first phase of a development. This updated ordinance information will help to prevent that practice and protect the residents. *Section 2 seems good, as long as everything's covered.*

Section 3, traffic studies, signs, it was noted that in the draft, the part that is marked installed by the Township should be struck through at that location and added to the end of the first sentence. It was noted that the costs of installing the signs is not addressed in this section. Add "and labor to install" in the first sentence so that it reads as follows: "The costs of all traffic studies, street signs, traffic control signs and the labor to install all street signs and traffic control sign, on streets to be constructed by the subdivider ...."

Section 4, *leave as proposed.*

Section 5, *leave as presented.*

Section 6, *leave as presented.*

Section 7, builds flexibility into the ordinance to meet the ADA requirements. *Leave as presented.*

Section 8, lot depth to width ratio, requires a lot to be deeper than it is wide. Any substantial variation would require a waiver. *Leave as proposed.*

Section 9, lot and site grading: "Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than 2% nor more than 5%." Question: the swales shall be sodded, planted, or lined with material acceptable ... does that include trees? No, but that's addressed in the stormwater ordinance requirements and must be approved by the Township Engineer. Discussion was held on what happens when homeowners do not maintain compliance with swales and drainage easements. *Leave as proposed.*

Section 10, sentence added: "the Township engineer may require conveyance facilities that prohibit infiltration where cross-slopes occur." *Leave as is.*

Section 11, final grading, D1, changed to "No final grading shall be permitted with a cut face steeper than three horizontal to one vertical except under one or more of the following conditions: ... slope steeper than three horizontal to one vertical..." *Leave as presented.*

Section 12, changed to "no final grading shall be permitted which creates any exposed surface steeper in slope than four horizontal to one vertical except..." The first sentence should read "No final grading shall be permitted which creates a fill slope or any exposed surface steeper..."

Section 13, changed to "the top or bottom edge of slopes shall be a minimum of ten feet plus one foot per each vertical foot over five feet from property or ROW lines...." *Leave as proposed.*

Section 14, *leave as proposed.*

Section 15, curb radii... increase to 35 feet and 50 feet, plus the last sentence was added "The Plans shall be accompanied by turn templates to demonstrate adequate curve radii for safe ingress and egress." *Leave as proposed.*

Section 16, *leave as proposed.*

Section 17, increasing sidewalk width. What if the sidewalk falls outside the ROW? The sidewalk is then private property and Mr. Beck could not enforce the snow removal requirements, as it's on private property. Additional ROW would need to be dedicated. However, the township currently requires 60' of right-of-way to be dedicated, so there would be room to make the increases in sidewalk and grass strip widths. *Leave as proposed.*

Section 18, driveway profile now required. *Leave as is.*

Section 19, recreation fees, added: "For any proposed commercial or industrial use, the fee shall be fixed at the lesser of (i) \$1,200 per acre of the proposed subdivision or land development, or (ii) \$1,200 per 2,000 square feet of any structure constructed on the applicable lot." Also, "No fees shall be applied to the residual tract..." Should the fee be higher? Perhaps \$1600 to \$1700? *Suggestion to put the information in a table rather than in a paragraph to make it easier to read.* Mr. Beck will check into it. *Possibly raise the fee, add table.*

Section 20, street trees, added "On lots with more than 200 feet of frontage, there shall be planted, at least, one tree per 50 feet (change from draft proposal) of frontage, at least, eight feet from the sidewalk, but no closer than 20 feet from either side lot line." How about the location of the street trees relative to the street lights? Can the Township actually regulate that? Rely on the engineers to use their best judgment. Does there need to be a minimum number of street trees for industrial lots? Does this need to be in every zone? *See change proposed above.*

Section 21, *leave as proposed.*

Section 22, "... retain 10% (ten percent) of the original amount of the posted financial security for the aforesaid improvements." This wording coincides with the amendment to the MPC. *Sounds good.*

Section 23, *fine.*

Section 24, changes made to comply with the MPC. *No choice.*

Section 25, release from surety, final accounting "which the governing body shall submit to the applicant." *Complies with the MPC.*

Section 26, *complies with the MPC.*

Section 27, *complies with the MPC.*

Section 28, *complies with the MPC.*

Thus ends the discussion on most of the proposed amendments to the SALDO. The ordinances relating to chickens and bees and the Zoning Ordinance amendments will be reviewed next.

The next meeting will be on September 24, starting with a workshop session at 6 p.m., then the regular meeting will be held at 7 p.m. This might be the case for October as well.

#### **Additional New Business**

None at this time.

**Motion by McCowan, second by Nace, to adjourn. All members voted aye; motion carried.**  
**The meeting adjourned at 9:35 p.m.**

Respectfully submitted,  
Julie B. Maher, Recording Secretary