

TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE MAXATAWNY TOWNSHIP ZONING ORDINANCE OF 2012, AS AMENDED, BY REMOVING INDUSTRIAL ACTIVITIES AND MANUFACTURING USES, TRUCK OR MOTOR FREIGHT USES, AND WAREHOUSE, WHOLESALE AND/OR DISTRIBUTION FACILITY USES AS USES PERMITTED BY CONDITIONAL USE WITHIN THE L-I LIGHT INDUSTRIAL DISTRICT, BY MODIFYING, REVISING OR ADDING CERTAIN REQUIREMENTS REGARDING THE INDUSTRIAL ACTIVITIES AND MANUFACTURING USES, TRUCK OR MOTOR FREIGHT USES, AND WAREHOUSE, WHOLESALE AND/OR DISTRIBUTION FACILITY USES WITHIN THE I INDUSTRIAL DISTRICT, AND BY MODIFYING, REVISING OR ADDING CERTAIN PROVISIONS RELATING TO: INDUSTRIAL AND MANUFACTURING USES; TRUCKS AND MOTOR FREIGHT TERMINALS; AND WAREHOUSE, WHOLESALE AND DISTRIBUTION FACILITY USES

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

WHEREAS, the Board of Supervisors of the Township of Maxatawny desires to amend the Maxatawny Township Zoning Ordinance of 2012, as amended, to add, modify and/or revise certain provisions relating industrial and manufacturing uses; trucks and motor freight terminals; and warehouse, wholesale and distribution facility uses.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article II entitled "Definitions", Section 202 entitled "Specific Terms" is amended to add the following definition:

Parking Compound: an off-street parking area dedicated for a principal use, which is located within 2,000 feet of the permitted use. The parking area may be considered as an off-premises parking area designed for short term (less than 24 hours) of automobiles or non-commercial vehicles.

SECTION 2. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 407 entitled "L-I Light Industrial District", Section 407.4(s) is amended to be deleted in its entirety and marked "reserved for future use."

SECTION 3. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 407 entitled "L-I Light Industrial District", Section 407.4(mm) is amended to be deleted in its entirety and marked "reserved for future use."

SECTION 4. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 407 entitled "L-I Light Industrial District", Section 407.4(mn) is amended to be deleted in its entirety and marked "reserved for future use."

SECTION 5. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 408 entitled "I Industrial District", Section 408.4(g) is amended to read in its entirety as follows:

Industrial activities and manufacturing uses provided that all principal activities are contained within an enclosed building(s) that does not exceed more than 500,000 cumulative square feet of gross floor area and/or does not generate more than 300 truck trips per day, subject to the provisions specified under Section 565 of the Zoning Ordinance.

SECTION 6. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 408 entitled "I Industrial District", Section 408.4(s) is amended to read in its entirety as follows:

Warehouse, wholesale and/or distribution facility provided that all principal activities are contained within an enclosed building(s) that does not exceed 500,000 cumulative square feet of gross floor area and/or does not generate more than 300 truck trips per day, subject to the provisions specified under Section 593 of the Zoning Ordinance.

SECTION 7. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled "District Regulations", Section 408 entitled "I Industrial District", Section 408.4(w) is amended to read in its entirety as follows:

Truck or motor freight terminal uses provided that all principal business activities are contained within an enclosed building(s) that does not exceed more than 250,000 cumulative square feet of gross floor area and/or does not generate more than 300 truck trips per day, subject to the provisions specified under Section 592 of the Zoning Ordinance.

SECTION 8. The following provisions shall be replaced, modified or added as part of the Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 565 entitled "Industrial Activities and/or Manufacturing Uses":

Section 565: Industrial Activities and/or Manufacturing Uses

- (c) All principal and accessory uses containing more than 50,000 cumulative square feet of gross floor area shall comply with the following requirements:

- (1) The uses shall be located at least 600 feet from a principal building occupied by an existing residential, institutional or educational use.
 - (2) The uses shall be located at least 300 feet from a designated residential zoning district, which shall include the A-R, R-1, R-2 and NC Zoning Districts.
 - (3) The required setback or separation distances shall apply to all principal and accessory uses, which shall include the proposed buildings and all related impervious surfaces required for the industrial activities and/or manufacturing use.
- (h) All principal and accessory uses containing more than 50,000 cumulative square feet of gross floor areas shall provide a landscaped buffer yard or area along the perimeter of the property, which complies with the following design options:
- (1) A sixty (60) foot wide earthen berm with a raised elevation of eight (8) feet shall be required in areas that do not have a natural buffer or concentration of mature trees.
 - (2) Where an existing natural buffer with concentration of mature trees is used to satisfy the requirements of this section, such area and vegetation therein shall be perpetually preserved and maintained as part of a landscaping or woodland protection easement.
 - (3) A combination of an earthen berm, landscaping screen, fencing or natural buffer may be considered provided that the selected materials provide a natural or visual buffer.

The types of materials utilized within the landscaped buffer yard and the designated width of the landscaping buffer shall be subject to the review and approval of the Board of Supervisors as part of the Conditional Use Application and/or Land Development Plan Application. The landscaped buffer yard shall be identified on the Land Development Plan and perpetually preserved as an easement.

- (n) An on-site snow scraper shall be provided on the property, capable of removing snow and ice from all permitted trucks, trailers and/or commercial vehicles that are located on the property.
- (o) All designated points of ingress and egress shall be located at least one hundred (100) feet from any property line except a street right-of-way line.

SECTION 9. The following provisions shall be replaced, modified or added as part of the Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 592 entitled "Truck or Motor Freight Terminals":

- (a) All principal and accessory uses containing more than 20,000 cumulative square feet of gross floor area shall comply with the following requirements:
 - (1) The uses shall be located at least 600 feet from a principal building occupied by an existing residential, institutional or educational use.
 - (2) The uses shall be located at least 300 feet from a designated residential zoning district, which shall include the A-R, R-1, R-2 and NC Zoning Districts.
 - (3) The required setback or separation distances shall apply to all principal and accessory uses, which shall include the proposed buildings and all related impervious surfaces required for the truck or motor freight terminal use.
- (i) All designated points of ingress and egress shall be located at least one hundred (100) feet from any property line except a street right-of-way line.
- (n) All principal and accessory uses containing more than 20,000 cumulative square feet of gross floor area and/or the site is designed or capable of being used to store, park or maintain more than thirty (30) trucks and/or trailers at any given time shall provide a landscaped buffer yard or area along the perimeter of the property, which complies with the following design options:
 - (1) A sixty (60) foot wide earthen berm with a raised elevation of eight (8) feet shall be required in areas that do not have a natural buffer or concentration of mature trees.
 - (2) Where an existing natural buffer with concentration of mature trees is used to satisfy the requirements of this section, such area and vegetation therein shall be perpetually preserved and maintained as part of a landscaping or woodland protection easement.
 - (3) A combination of an earthen berm, landscaping screen, fencing or natural buffer may be considered provided that the selected materials provide a natural or visual buffer.

The types of materials utilized within the landscaped buffer yard and the designated width of the landscaping buffer shall be subject to the review and approval of the Board of Supervisors as part of the Conditional Use Application and/or Land Development Plan Application. The landscaped buffer yard shall be identified on the Land Development Plan and perpetually preserved as an easement.

SECTION 10. The following provisions shall be replaced, modified or added as part of the Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled "Supplementary Regulations", Section 593 entitled "Warehouse, Wholesale and/or Distribution Facility":

- (c) All principal and accessory uses containing more than 50,000 cumulative square feet of gross floor area shall comply with the following:
 - (1) The uses shall be located at least 600 feet from a principal building occupied by an existing residential, institutional or educational use.
 - (2) The uses shall be located at least 300 feet from a designated residential zoning district, which shall include the A-R, R-1, R-2 and NC Zoning Districts.
 - (3) The required setback or separation distances shall apply to all principal and accessory uses, which shall include the proposed buildings and all related impervious surfaces required for the warehouse, wholesale and/or distribution use.
- (o) All designated points of ingress and egress shall be located at least one hundred (100) feet from any property line except a street right-of-way line.
- (t) Warehouse, wholesale and/or distribution uses containing more than 50,000 cumulative square feet of gross floor areas shall provide a landscaped buffer yard or area along the perimeter of the property, which complies with the following design options:
 - (1) A sixty (60) foot wide earthen berm with a raised elevation of eight (8) feet shall be required in areas that do not have a natural buffer or concentration of mature trees.
 - (2) Where an existing natural buffer with concentration of mature trees is used to satisfy the requirements of this section, such area and vegetation therein shall be perpetually preserved and maintained as part of a landscaping or woodland protection easement.
 - (3) A combination of an earthen berm, landscaping screen, fencing or natural buffer may be considered provided that the selected materials provide a natural or visual buffer.

The types of materials utilized within the landscaped buffer yard and the designated width of the landscaping buffer shall be subject to the review and approval of the Board of Supervisors as part of the Conditional Use Application and/or Land Development Plan Application. The landscaped buffer yard shall be identified on the Land Development Plan and perpetually preserved as an easement.

- (z) Warehouse, wholesale and/or distribution uses shall not be planned or developed as a truck or motor freight terminal. All trucks or trailers that are stored on the

property shall be in a state of active use or transit. All such vehicles shall not be stored on the property for fourteen (14) consecutive days.

SECTION 11. The Maxatawny Township Zoning Ordinance of 2012, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of such Zoning Ordinance upon enactment.

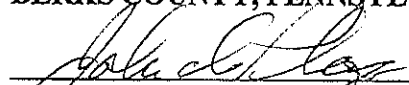
SECTION 12. Repealer. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 13. Severability. If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 14. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED as an Ordinance of Maxatawny Township, Berks County, Pennsylvania, this 4th day of March, 2024.

**BOARD OF SUPERVISORS OF
MAXATAWNY TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA**




Chairman



Vice Chairman

Member

ATTEST:



Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2024-02 adopted by the Board of Supervisors of Maxatawny Township, Berks County, Pennsylvania at a public meeting held on March 4, 2024, pursuant to notice as required by law.

Dated: 3/4/2024

Deborah R. Wehr
Township Secretary