

FEBRUARY 16, 2006 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; Eric Mains of KPI; News Reporters Aaron Young (*The Gettysburg Times*), Meg Bernhardt (*The Evening Sun*); and Brenda Constable, Secretary.

Citizens in attendance were: Tom Newhart representing Keystone Custom Homes; Charles Suhr, Esq. and Jim Snyder of HRG representing GCW Properties; Jerry Althoff representing the Planning Commission; Ken & Audrey Sanders; Dave Updyke; Elsie Morey; Sally Alexander; Carol E. Holtz; Sharon & Jerry Martin; Mike & Nora Keller; J. Riley Redding; John McAlister; Barton Breighner and Steve Loss representing Fairview Farms; John R. White and Richard Klein representing The Links At Gettysburg.

Board Chairman Waybright led everyone with the Pledge to the Flag.

Minutes: Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the minutes of the January 3, 2006 Reorganization Meeting as presented. Motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Dayhoff, to approve the minutes of the January 19, 2006 meeting as presented. Motion carried with Mr. Chantelau abstaining.

Public Comment: None.

Treasurer's Report:

Mr. Scott moved, seconded by Mr. Kirschner, to approve the Treasurer's Report for the month of January and part of February as presented. Motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the bills to be paid for the month of January and part of February as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Fairview Farms – Barton Breighner, Owner: proposed 14-lot preliminary subdivision on Hickory Road. Mr. Steven Loss was present to represent Mr. Breighner. Mr. Loss gave a brief update with regard to addressing KPI comments dated February 8, 2006 and presented a written request for a 90-day extension. Mr. Althoff of the Planning Commission, stated that the applicant still had some major issues remaining that needed to be addressed, but recommends that the extension request be granted, as well as additional waiver and modification requests for channel slopes, basin bottom, and curbing. Mr. Dayhoff questioned if the issues would be addressed by next month. Mr. Loss felt that most items should be addressed by then.
Mr. Chantelau moved, seconded by Mr. Kirschner, to grant an extension of time for preliminary review through June 16, 2006. Discussion: Mr. Chantelau felt that an extension would be consistent with the Planning Commission's recommendation and would give the applicant more time to address the outstanding items. Mr. Dayhoff stated that the Supervisors could wait until next month since the original deadline is not until March 16, 2006. Mr. Waybright asked Mr. Loss if, realistically, if he thought it would take 90 days to address everything. Mr. Loss stated that not all reviewing agencies would have comments back by the March meeting. He added that the sewage planning module would take at

least 30 days and the Conservation District review would take 45 days and if something needed corrected on that, it would take even longer. With no further discussion on the motion, the motion carried with Mr. Dayhoff and Mr. Scott voting no.

Waiver requests for channel slopes and basin bottom, and a modification request for curbing were submitted. Mr. Eric Mains of KPI, Township Engineer, gave an overview these requests. The modification for curbing, as required by §86-26.A., is to use Best Management Practices (BMP) by using grass lined swales with drainage channels to handle a 100 year storm. Mr. Dayhoff stated that by putting in grass lined swales rather than curbing, wouldn't it be a cost savings to the developer. Mr. Mains replied yes. Mr. Scott moved, seconded by Mr. Chantelau, to grant the curbing modification. Discussion: Mr. Chantelau asked if the township could require that the BMP be put in the waiver request. Mr. Mains stated that the modification request as presented is sufficient to explain the BMP. Mr. Dayhoff asked who develops the grass lined channels. Mr. Mains responded that the engineer for the developer would design this, which leads into the issue of drainage swales; a waiver request was presented for this. The waiver is relative to §86-30.H.(2) requiring swales not designed for stormwater detention to have a maximum slope of 2%. Mr. Loss stated that there are only two areas that exceed 2%, up to 4½%. Discussion was held as to why this requirement of 2% is in the ordinance. Mr. Dayhoff questioned why not just grade the roads to get the proper slope. Mr. Mains suggested that this not be limited so much now because it could be tested with open channels for ground recharge, etc. Mr. Dayhoff questioned if sidewalks and street lighting is required. Mr. Mains not sure at this point. Mr. Waybright asked if the waivers are granted what guarantees are in place for the future. Mr. Mains responded that stormwater management would always need to be in place and addressed. Maintenance would be needed by the homeowners association. Mr. Mains pointed out that notes could be put on the plan that stating what needs to be addressed by the home owners association. Mr. Waybright questioned if a maintenance bond of 15% would be needed if accepting dedications; however, nothing is being accepted at this point. Mr. Loss stated that the HOA would address this. Mr. Davis advised that the supervisors should consider before the final stage if they are accepting the dedication. Mr. Dayhoff asked if the Conservation District reviewed the drainage swale plans yet. Mr. Loss stated not yet and they have a 40 day review period. Mr. Dayhoff stated that he is not in favor of granting a waiver or modification for curbing if the drainage swales are not approved yet by the Conservation District. Mr. Chantelau stated that he would like to see more diagrams and options and the Conservation District review before acting on this. Mr. Waybright called for the question on the motion and motion was denied.

Mr. Scott moved, seconded by Mr. Chantelau, to table action on the two waiver requests and one modification request as stated above. Motion carried unanimously.

Mr. Loss asked what the Township wanted to see. Supervisors stated that they want to see the Conservation District's recommendation, and the applicant must prove that regrading of streets would not take care of the problem, or if regrading would work. Mr. Chantelau stated that the engineering firms get together and give options, and the pros and cons as to what should be used for this proposed development. Mr. Scott stated that if BMP is a pro, then it should have been done in the first place with submission of the plan.

2. Sanders, Kenneth G.: proposed 3-lot preliminary subdivision at 70 Barlow-Two Taverns Road. Mr. & Mrs. Sanders, and Riley Redding, were present to review this plan. It was noted that the Planning Commission recommends approval with contingencies. Mr. Scott moved, seconded by Mr. Dayhoff, to approve the preliminary plan contingent on satisfying all comments from KPI and County, with the exception of KPI comment #7 and waiving the requirement to submit the plan to Cumberland Township for review. Motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the Sewage Facilities Planning Module and submit to DEP. Motion carried unanimously.

3. Pruitt, Eugene S.: proposed 2-lot subdivision at 400 Long Road. Mr. Riley Redding was present to review this plan. It was noted that the Planning Commission recommends approval of waiver for preliminary review and accept as a preliminary/final contingent on addressing KPI comments. It was noted that this subdivision is using the lot consolidation option of the zoning ordinance, giving up the opportunity to any future lot subdivisions. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the preliminary/final plan. Motion carried unanimously.
Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the Sewage Facilities Planning Module and submit to DEP. Motion carried unanimously.
4. Keller, Michael J.: proposed 2-lot final subdivision of Lot 4 on Hoffman Home Road. Mike and Nora Keller, and Riley Redding were present to review this plan. It was noted that the Planning Commission recommends approval of waiver for preliminary review and accept as a preliminary/final contingent on addressing KPI comments. It was noted that this subdivision is using the lot consolidation option of the zoning ordinance, giving up the opportunity to any future lot subdivisions. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the preliminary/final plan contingent on satisfying KPI comments. Motion carried unanimously.
Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the Sewage Facilities Planning Module and submit to DEP. Motion carried unanimously.
5. The Links At Gettysburg – Retreat: deferred until after Correspondence.

Road Report:

Mr. Scott moved, seconded by Mr. Kirschner, to approve the Road Report as presented. Motion carried unanimously.

Zoning Officer's Report:

Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the Zoning Officer's Report as presented. Motion carried unanimously.

Building & Grounds Report:

With recommendation from Sam Dayhoff, Building & Grounds Coordinator, Mr. Scott moved, seconded by Mr. Chantelau, to approve the estimate of \$2,500 to enclose the offices of the Building & Grounds Coordinator and the Road Superintendent. Motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the Building & Grounds Report as presented. Motion carried unanimously. Mr. Dayhoff noted that the Township received a check from Premier Construction as court ordered in relation to the faulty roof on the salt shed.

Correspondence:

Ms. Constable reported receiving the following correspondence:

- WRRMA minutes from December
- Idaville Youth Baseball request for donations
- Letter from Gettysburg Fire Company confirming no changes to box cards that were approved at the January 19, 2006 meeting.
- Littlestown 11 & Under Travel Baseball Team donation request

Subdivision/Land Development Plan continued:

The Links At Gettysburg – Retreat: proposed 16-lot subdivision/land development plan at 601 Mason Dixon Road. Mr. Rick Klein and Mr. John White were present to review this plan. It was noted that the Planning Commission recommends approval of a waiver for preliminary review and accept as a preliminary/final contingent on satisfying KPI and County comments. Mr. Eric Mains noted that the applicant had addressed most of the major issues, some technical, and some with regard to permitting. Seven modifications were originally requested and listed on the title page of the plan. However, in order to address some KPI comments, two additional modifications were added; one related to peripheral open space buffer, and the second related to increased density amount. Mr. Sharrah explained that each condominium would have 12 to 15 units for a minimum total of 168 units and a maximum of 210. The applicant would agree to pay the increased density fee based on the maximum number of units. Page 2 of the plan reflects the calculation for increased density. Mr. Klein asked if the increased density fee could be paid in quarterly payments; the first at the signing of the final plan, and the remaining fee paid each quarter, paid in full at one year from the signing of the plan. Mr. Davis stated that a promissory note would be required. Mr. White said it would be in the name of The Links At Gettysburg, L.L.C. Mr. White asked if the note could be guaranteed by another entity. Mr. Davis stated that it could be an irrevocable letter of credit drawn as a personal note and then replaced with a bank note guarantee. Mr. Chantelau asked if the increased density would have any impact on the roads. Mr. White responded that according to the traffic study, it would not even come close.

Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver for preliminary review and accept as a preliminary/final plan contingent on satisfying KPI comments and receiving the increased density fee in four installments based on the maximum number of condo units; the first at the signing of the plan and the remaining in quarterly payments to be paid in full one year from the signing of the plan. The balance due shall be secured by a Promissory Note held by Richard A. Klein individually, until such a time that an Irrevocable Letter of Credit by a banking institution could be obtained. Discussion: Mr. Davis stated that Chairman Jim Waybright and his spouse are abutting landowners to this development and have a signed agreement relative to a grading easement. There is no compensation and no benefit to the Waybright's. There are no disqualifications from Mr. Waybright voting on this plan. Discussion was held with regard to options of refunding in the event that the maximum number of units is not built.

Mr. Dayhoff added to his motion that in the event the maximum number of units is not built, the balance overpaid to the Township would be reserved for future density increases. Motion carried unanimously.

Resolution #11 of 2006 – Increased Density in PGC:

It was noted that Resolution #11 of 2006 was tabled at the January 3, 2006 Reorganization Meeting in order to obtain additional information with regard to the calculation method. Mr. Dayhoff moved, seconded by Mr. Scott, to adopt Resolution #11 of 2006 amending Resolution No. 10 of 2005, re-establishing the contribution amount for each 10% increase in dwelling density per acre in the Planned Golf Communities as follows:

RESOLUTION NO. 11 OF 2006

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MOUNT JOY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AMENDING RESOLUTION NO. 10 OF 2005, RE-ESTABLISHING THE CONTRIBUTION AMOUNT FOR EACH TEN PER CENT (10%) INCREASE IN DEWELLING DENSITY PER ACRE IN PLANNED GOLF COMMUNITIES.

RECITALS

1. On May 19, 2005, the Board of Supervisors of Mount Joy Township enacted amendments to

§110-70.C.(1)(f), §110-70.C.(6)(g), and §110-70.C.(6)(i) of Chapter 110 (Zoning of the township's Code of Ordinances.

2. The aforesaid amendments became effective 5 days after enactment.

3. Pursuant to the amendment to §110-70.C.(6)(i), the Board of Supervisor of Mount Joy Township is to establish a "contribution amount" to be made to the Mount Joy Township Agricultural Land Preservation Program for each ten per cent. (10%) increase in overall dwelling density of a Planned Golf Community if such density increase is permitted by the Board of Supervisors.

4. In order to establish an amount of contribution that is rationally related to the cost of preserving a correspondingly appropriate amount of land, the Board of Supervisors hereby adopts the following Resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mount Joy Township, Adams County, Pennsylvania, that pursuant to Chapter 110 (Zoning), Article V (Principal Uses), §110-70 (Planned Golf Community), sub-section C.(6)(i), the amount of contribution for each ten per cent. (10%) increase, or part thereof, of dwelling density (above the limitation of .8 units times project acreage; see, §110-70.(1)(f)) in a Planned Golf Community shall be Fifty Two Thousand Seven Hundred Sixty Dollars and No Cents (\$52,760.00).

ADOPTED this 16th day of February, 2006. This Resolution is effective retroactive to January 3, 2006.

MOUNT JOY TOWNSHIP SUPERVISORS

Motion carried unanimously.

Committee Reports:

Personnel: Nothing to report.

Finance: Mr. Chantelau noted that a Certificate of Deposit is coming due and the Treasurer is investigating different lending institutions to see where we can get the best rate.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Mr. Chantelau moved, seconded by Mr. Kirschner, to adopt a Policy requiring any requests from fire companies to be submitted to the Township 30 days prior to the Supervisors meeting. Motion carried unanimously.

Agricultural Land Preservation: Noted receiving the monthly report. With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Chantelau, to approve the opening of Round III, as amended with applicants not having to apply to the County program first, and to set the dates of April 3, 2006 through May 15, 2006 for Round III. Motion carried unanimously. Mr. Dayhoff explained that depending on the number of applications received in this new round, the Board may request to do away with a timeline for submission of applications for the future.

Mr. Scott moved, seconded by Mr. Waybright, to authorize the Ag Land Board to submit a letter to the Adams County Commissioners requesting funding. Motion carried unanimously.

Recreation Board: No report this month – Board meets February 21, 2006.

Act 209 Traffic Impact Advisory Committee: No report this month – Committee did not meet.

Announcements:

Mr. Chantelau announced that the Adams County Association of Township Officials will be sponsoring a meeting at the Mount Joy Township Municipal Building on February 28, 2006 at 7:00 for township officials to explain preservation program and open space.

Executive Session:

Board Chairman Waybright called for an Executive Session at 9:35 p.m. this date.

Meeting Reconvened:

Board Chairman reconvened the Supervisors Meeting at 10:10 p.m. this date with the following in attendance: Supervisors Chantelau, Scott, Dayhoff, and Kirschner; Solicitor Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; News Reporters Aaron Young and Meg Bernhardt; and Secretary Brenda Constable. Citizens attending were: Tom Newhart; Jeff Patterson; Carol Holtz; Jim Snyder; and Charles Suhr.

Mr. Davis explained that some items discussed during executive session were attorney/client and are confidential. Other issues were: a) one piece of ongoing land use matter that is before the Zoning Hearing Board; b) another filing that has occurred for a zoning hearing; c) possible real estate acquisition; and d) clarification of the personnel policy and how it relates to certain employees.

Other Business:

Proposed Ordinance – TDR Timeline Submission:

Mr. Scott moved, seconded by Mr. Chantelau, to submit a proposed ordinance to County and Township Planning for review, relative to proof of purchase of TDRs until after preliminary plan approval, and to repeal the child lot option; and to set the date of April 20, 2006 at 7:00 for a public hearing on the proposed ordinance, with intent to adopt on April 20, 2006 at the regular meeting. Discussion: Mr. Davis stated that with regard to child lot option, in his legal opinion, is doubtful of its legality so he recommends that this section be repealed. With no further discussion, the motion carried unanimously.

Ordinance No. 2006-01 – Townhouses in SFR1:

Mr. Dayhoff addressed several comments that were made during the public hearing on this proposed ordinance. With regard to traffic on Route 97 and access from three lots adjoining this proposed property for townhouses; the best way to handle this is with conditional use, one condition being that the three homes are given access to come out at the traffic light to prevent a hazardous situation and make it safer. Another request was to consider larger lot size to allow townhouses. The size now is 25 acres and he would propose increasing the size to 35 acres.

Mr. Scott stated that he has listened on several occasions about the traffic impact, he has driven this area in the morning and evening and believes differently. He pointed out that the Township currently has on the table, 56 homes on Barlow-Two Taverns Road, approximately 200 at Meadow Brook Golf Course, and options to build 500+ on White Church Road. Another 176 townhouses on top of these 800 will not make a big difference. He is convinced that a light is needed at the intersection of Route 97 and White Church Road now and bringing in 176 units out at the light is much better and safer than many driveways out onto Route 97. He is convinced that what was done at the mall works well and a light at this intersection would improve the safety of the township.

Mr. Waybright concurred with Mr. Dayhoff and Mr. Scott. He feels that the need to direct development is to Route 15 and Route 97 because of the highway. There are 900 residences at Lake Heritage using a light and it is working. He agrees that there is a need to condition the three residents in this location to have a safe access in and out of their properties. He cited the County Planning comments that support allowing townhouse development in the SFR1 district when participation in the TDR program occurs. Mr. Waybright added that the Supervisors need to look at what is best for the entire Township and not just what is in someone's back yard. Everyone knows development is coming and the Supervisors can't stop it, they can only control it. With this proposal, the Township gets open space preserved.

Mr. Chantelau echoed Mr. Waybright's comment about views. He concludes, personally, that your neighbor takes away your view, not the Township. That is where the process starts, when your neighbor develops. The TDR program is a success. The Township and County Planning Commissions recommend and support this change in SFR1 zoning district. With regard to water, he noted that this is always an issue, everywhere in the community. When the mall was built, Lake Heritage was concerned about water; this is a statewide problem with water. The Township is having increased density throughout and the general benefit of changing zoning would be a benefit to the entire Township.

Mr. Kirschner concurred with everyone's comments and had nothing additional. All Supervisors concurred with increasing the lot size to 35 acres. Mr. Scott also addressed a comment that was made with regard to the legal ad stating that, "The Supervisors 'intend' to adopt the proposed ordinance ..." indicating that it was already decided. He explained that this is standard language that must be included in a legal ad for consideration of an ordinance adoption. The Supervisors do not have to adopt at that time, but if they decide to do so, the legal notice must indicate such. Mr. Davis explained that if the Supervisors decide to change the lot size from 25 acres to 35 acres, it is not significant enough to have to re-advertise, etc. If this proposed ordinance is adopted, it would just then need to be amended to reflect 35 acres.

Mr. Jeff Patterson thanked the Supervisors for putting a conditional use on the driveway access for the three homes, and asked if the Supervisors would ask the developer to put water and sewer to these three homes as well.

Mr. Charles Suhr, Attorney for the applicant, recommended that the proposed ordinance be adopted as advertised, or table action to make changes and then adopt later. He would like to go through this process again. Or adopt the ordinance and then take action to amend it for the 35 acres. He pointed out that this is just a procedural viability issue.

Mr. Scott moved, seconded by Mr. Dayhoff, to adopt Ordinance No. 2006-01 as follows:

ORDINANCE NO. 2006 — 01

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 110 (ZONING) OF THE CODE OF ORDINANCES OF MOUNT JOY TOWNSHIP AS FOLLOWS: INSERTING TOWNHOUSES IN THE TABLE OF PERMITTED USES (UNDER 'RESIDENTIAL USES') AS A CONDITIONAL USE IN THE SFR-1 DISTRICT; REWORDING SECTIONS 110-86.D. AND E. TO CLARIFY PARKING REQUIREMENTS FOR TOWNHOUSES AND GARDEN APARTMENTS; ADDING TOWNHOUSE FAÇADE AND SIDING REQUIREMENTS; ADDING CONDITIONAL USE REQUIREMENTS TO SECTION 110-86 (Townhouses and garden apartments) APPLICABLE TO TOWNHOUSES IN THE SFR-1 DISTRICT; REVISING SECTION 110-155.D.(6)(a) TO PROVIDE FOR MINIMUM LOT SIZE AND WIDTH FOR TOWNHOUSES IN THE SFR-1 DISTRICT; CONFORMING THE DENSITY REQUIREMENTS IN THE TABLE OF DIMENSIONS WITH THE TEXT OF SECTION 110-86.B.; AND, ADDING TOWNHOUSES TO THE TABLE OF DIMENSIONAL REQUIREMENTS FOR THE SFR-1 AND 2 DISTRICTS.

The Board of Supervisors of Mount Joy Township hereby ordains as follows:

Section 1. The "Table of Permitted Uses by District, Primarily Agricultural and Residential Districts, Page 1" (found on page 110:A7 of the Code book), of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township is hereby amended in the column titled **SFR 1 & 2**, and in the row titled "Townhouse/rowhouse (§110-86)" to provide as follows:

SFR-1 C
SFR-2 N

Section 2. Subsections D. and E. of §110-86 (Townhouses and garden apartments) of Article V (Principal Uses) of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township are hereby amended to read in their entirety as follows:

- D. Two off-street parking areas shall be provided to the rear of each townhouse unit. A garage, and a driveway measuring no less than 12 feet wide by 22 feet long, may each serve as one parking space. If a garage is to be counted as a parking space, a deed covenant and/or lease agreement must require that the garage remain sufficiency free of stored materials so that an automobile can be parked inside of the garage. An access drive having a minimum width of 20 feet and constructed in accord with §86-25.A.(1) shall be constructed to provide access to the parking areas, and shall be maintained in perpetuity by a homeowners' association. (See also, Table of Off-Street Parking Requirements for additional parking where there are 10 or more dwelling units in a project.)
- E. Two off-street parking spaces shall be provided for each apartment dwelling unit to the rear of the apartment buildings. In addition, for every two apartment dwelling units, there shall also be provided one additional-off street parking space to the rear of the apartment buildings. No off-street parking shall be permitted in the front or on the sides of the apartment buildings. All parking must be no less than 20 feet from the structure.

Section 3. Section 110-86 (Townhouses and garden apartments) of Article V (Principal Uses) of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township is hereby amended to add a new subsection I. that will read as follows:

- I. The front facade of townhouses must be constructed of natural materials (such as wood, brick, and stucco) and not vinyl siding, poured concrete, or concrete block. Any vinyl siding used on the sides and rear of the units must be of the same color for all of the units in the building. The architectural details of the facade of the townhouses must be consistent among individual units in a building, and among buildings in the development.

Section 4. Section 110-86 (Townhouses and garden apartments) of Article V (Principal Uses) of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township is hereby amended to add a new subsection J. which shall read in its entirety as follows:

J. Standards for townhouses permitted as conditional uses in SFR-1 districts.

- (1) The applicant's plan must demonstrate compliance with §§110-86.A., B., C., D., F., G., H., and I;
- (2) The applicant's plan must demonstrate compliance with §110-17(D);
- (3) The Lot Area of the project must exceed 25 acres;
- (4) If more than fifty (50) townhouses are proposed, a minimum of one primary access and one emergency access to a public road must be provided;
- (5) No water towers or above ground water tanks in excess of fifty feet (50') in height may be constructed on the project site;
- (6) A traffic study must be submitted pursuant to §110-152;
- (7) The applicant's plan must include development of the property pursuant to the Transfer of Development Rights provisions of §110-155;
- (8) The project site must have direct access to an Arterial or Collector Street (as defined in the Subdivision and Land Development Chapter of the Code); and,
- (9) The applicant must submit the homeowners documents (including but not limited to the Declaration and Association By-Laws, Rules and Regulations) to the Township Solicitor for review and approval as to: (a) compliance with the Pennsylvania Uniform Planned Communities Act or the Pennsylvania Uniform Condominium Act (as appropriate); and, (b) enforcement provisions for any ordinance requirements undertaken by the Unit Owners Association as a condition of approval of the plan (for example, association maintenance of stormwater facilities).

Section 5. Subsection D.(6)(a) [Determination of density for SFR-1 districts] of §110-155 (Optional transfer of development rights - TDR) of Article XI (Optional Development Provisions) of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township is hereby amended to read in its entirety as follows:

- (a) SFR-1 District. For single family detached dwellings, the minimum lot area may be reduced to 15,000 square feet and the minimum lot width to 85 feet for a lot that has both Township-approved public water and public sewage

services. For townhouses approved as a conditional use (see §110-86.I.), utilizing the TDR option, the minimum lot area may be reduced to 3,000 square feet, and a minimum lot width of 20 feet.

Section 6. The table of Dimensional Requirements (found on page 110:A17 of the Code book) of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township is hereby amended to add the following row under the “Other uses” category of SFR-1 and 2 uses:

District/Use	Dimensional Requirement	Nonpublic Sewer	Nonpublic Water and Public Sewer	Nonpublic or Public Water and Proposed Public Sewer	Public Water and Public Sewer
Townhouses	Minimum lot area	Not permitted	Not permitted	Not permitted	3,000 square feet
	Lot width	Not permitted	Not permitted	Not permitted	20 feet per unit

Section 7. The table of Dimensional Requirements (found on page 110:A18 of the Code book) of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township is hereby amended to correct the densities for townhouses and garden apartments, and to conform them with the text of the Zoning Ordinance as found in §110-86.B.:

District/Use	Dimensional Requirement	Nonpublic Sewer	Nonpublic Water and Public Sewer	Nonpublic or Public Water and Proposed Public Sewer	Public Water and Public Sewer
Townhouses					
	Minimum lot area (stated in square feet as defined in Article II)	Not permitted	Not permitted	Not permitted	A minimum average of 3,000 square feet per dwelling unit, with a minimum project area of 30,000 square feet and a maximum gross density of 6 units per acre
	Minimum lot width (stated in linear feet, as defined in Article II)5				20 per unit
Garden Apartment					
	Minimum lot area (stated in square feet as defined in Article II)	Not permitted	Not permitted	Not permitted	30,000 square feet plus a minimum average of 3,000 square feet per dwelling unit over 3 units and a maximum gross density of 10 units per acre
	Minimum lot width (stated in linear feet, as defined in Article II)5				125

Section 8. The definition of “PUBLIC WATER SERVICE” in §110-20 (Definitions) of Article II (Terminology) of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township is hereby amended to read as follows:

- A. PUBLIC WATER SERVICE — Service by a central water system that is owned and operated by a municipal authority; or service by a central water system owned and operated by a water company that is regulated by the Pennsylvania Public Utility Commission; or, a community water supply system that is regulated by and is to be operated in accordance with laws, rules, and/or regulations of the Pennsylvania Department of Environmental Protection, or its successors.

Section 9. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed.

ENACTED AND ORDAINED this 16th day of February, 2006.

MOUNT JOY TOWNSHIP SUPERVISORS

Motion carried unanimously.

New Business:

Sewage Enforcement 2005 Reimbursement:

Mr. Dayhoff moved, seconded by Mr. Scott, to approve the Application for Reimbursement for Enforcing the PA Sewage Facilities Act and Onlot Sewage Disposal Program Annual Report and submit the application to DEP. Motion carried unanimously.

Adjournment:

With no further business to come before the Board, Mr. Dayhoff moved, seconded by Mr. Scott, to adjourn the Supervisors' Meeting at 10:40 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary