

**FREEDOM TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
August 28, 2019  
7:00 P.M.**

**PLANNING COMMISSIONERS**

Wayne Belt, Chairperson  
John Sica  
Edward Buchheit, Jr.

**TOWNSHIP OFFICIALS PRESENT**

Zachary Gulden, Township Manager  
Harlan Lawson, Adams County Planning Dept.

**MEMBERS OF THE PUBLIC PRESENT**

Mary Buchheit, Susanne Maruskin, Ronald Hegarman, Paul Kellett, Matt Young, & Hugh Lewis.

**CALL TO ORDER**

Chair Belt called the Planning Commission's Meeting to order at 7:00 p.m. Vice-Chair Sharrer & Secretary Beckett were noted as absent.

**PUBLIC COMMENT**

None

**APPROVAL OF MINUTES**

Chair Belt called for the approval of the Minutes of the June 26, 2019 Planning Commission's Meeting. Mr. Sica made a **MOTION** to approve the Minutes of the June 26, 2019 meeting. The **MOTION** was **SECONDED** by Mr. Buchheit. The motion carried unanimously (3-0).

**OLD BUSINESS**

**A. Zoning Ordinance Update Discussion**

Mr. Gulden stated that the Board of Supervisors feel that the Planning Commission can and should recommend what they feel is best for the Township. Their consensus after discussion at the public meeting on June 12<sup>th</sup> is that they want an update to the zoning ordinance and not a total overhaul, changing of the zoning map, or changing the nature of the township.

Adams County Planning Department's recommended changes to the zoning ordinance:

**General Changes**

**Included below are recommended changes which will effect sections throughout the zoning**

**ordinance:**

- **Add No-Impact Home Based Businesses as a use in all zoning districts containing residential uses.**

Mr. Lawson said this is a requirement per the Pennsylvania Municipalities Planning Code (MPC). This use must be permitted in all zoning districts.

- **Add Forestry as a use in all zoning districts.**

Mr. Lawson said this is a requirement per the Pennsylvania Municipalities Planning Code (MPC). This use must be permitted in all zoning districts.

- **Add Wireless Telecommunication Facilities as a permitted use in (an) appropriate district(s).**

Mr. Lawson said this is a requirement per the Pennsylvania Municipalities Planning Code (MPC). Mr. Gulden asked if the County will add language for the small cell / 5G network to this section of the code. Mr. Lawson said they will if the language has been determined by the State, if not, they will add it at a later time. Mr. Buchheit asked if the wireless telecommunication section will regulate for profit entities or will it also regulate amateur telecommunication facilities. Mr. Gulden said it would regulate both. Mr. Lawson said it regulates the structures. Mr. Sica said he was surprised that the County recommend allowing this by right and not by a special exception. Mr. Lawson said it is up to the Board, but he does not recommend allowing this use by right. This use must be accounted for in at least one zoning district.

- **Add use standards where necessary, especially any time a use is permitted by Special Exception.**

- **For example, solar energy facilities, wind generation, wood burners, etc.**

Mr. Lawson said they recommend adding use standards to every use in order to protect the Township for known problems with particular uses.

- **Cross-reference all uses with their corresponding use standards.**

Mr. Lawson said they will clean-up cross-references that are currently incorrect to make the ordinance easier to read and understand.

- **Ensure the format of district sections are uniform.**

Mr. Lawson said they will structure the zoning district sections so they are uniform in order to make the ordinance easier to read and understand.

- **Revise conditional use standards.**

Mr. Lawson said they will add a timeframe for conditional uses, so if a conditional use is approved, the applicant must meet the conditions within a certain timeframe or the plan is deemed disapproved.

- **Remove duplicative language between the zoning ordinance and subdivision and land**

**development ordinance.**

Mr. Lawson said they will remove any language in the zoning ordinance that already is stated in the subdivision and land development ordinance.

**• Consider integrating the following uses:****○ Retreat (RC)**

Mr. Lawson said they recommend having this use within the Rural Conservation Zoning District. Chair Belt said this may also be a good use for the Mixed Use District. Mr. Buchheit said he rather see this use in the Mixed Use instead of the Rural Conservation District. Mr. Lawson said he put this in the Rural Conservation, because there are two retreat centers in this district already - The Lodges & Middle Creek Bible Conference. Mr. Kellett recommended having a minimal acreage standard for this use. He also believes this would be a good use for the Mixed Use District. The Board agreed to have this use in the Rural Conservation and Mixed Use Districts.

**○ Farm Worker Housing / Agritourism / Farm Market (RC/AG)**

Chair Belt said Freedom Township does not have a lot of fruit growers, so he requested the need to permit migrant worker housing. Mr. Kellett said Mason Dixon Dairy or other farmers may wish to have farm worker housing in the future. He said it would be good to have standards for these uses before they are built. Chair Belt said these types of uses could also be appropriate in the Mixed Use District. Ms. Maruskin said equestrian type of facilities could require farm worker housing. Mr. Young said you need to allow these uses in all zoning districts if you are looking to encourage and promote agriculture. The Board agreed to add these uses to all zoning districts.

**○ Event Spaces, Barn Wedding Facilities**

Mr. Lawson said these uses are in high demand right now. Mr. Gulden said the Board of Supervisors had a text amendment request for a "Special Occasion Facilities" use a few months ago. They denied the request in order to allow the Planning Commission to determine if it is a necessary use during the zoning ordinance update. Mr. Kellett said they also felt the proposed standards for the special occasion facility were not appropriate. He said these uses may help farmers stay farmers by adding new revenue sources. Chair Belt said these type of uses may cause an irritation to neighbors. Mr. Gulden said specific criteria will be added to protect the neighbors.

**○ Wineries, Cideries, and Breweries**

Chair Belt said these should be included to ensure there are rules and regulations for the uses. He recommended adding this use to the Mixed Use District. Mr. Board agreed.

**○ Group Home, Halfway House, Adult Day Care**

Chair Belt said a Group Home was presented in Cumberland Township and it caused an uproar, so it should not be included in all districts. Mr. Kellett and Mr. Lawson recommended placement in the Residential Medium District. Mr. Buchheit recommended Mixed Use as well. The Board agreed.

- **Child Care Facilities**

Mr. Lawson said there are different State licensing requirements per age brackets, and the county recommends breaking the child care facility requirements down into three intensities / uses. For example, ages 0-6 are considered low impact; 12 or more children in a facility would be treated as a commercial and higher impact; etc.

- **Medical Marijuana Facilities (per state law)**

Mr. Belt said this use should be located in a Town and not a Township. Mr. Lawson said this could also include hemp related industries. He also said the likelihood of a medical marijuana dispensary coming into Freedom Township is slim to none, because the State only allows a certain amount of licenses. The license for this area has already been given to a business located in the Gettysburg Borough. He said you would more than likely see a growing facility located in a municipality such as Freedom Township. The Board agreed it would be good to have this use in the zoning ordinance in order to provide use standards.

- **Car Wash**

Mr. Gulden recommended having water recycling requirements in the use standards. Other municipalities commonly require 80% recycling of water. The Board agreed.

- **Recycling Facilities**

Mr. Lawson said the likelihood of this occurring is very low, but it would be an intensive use. He recommended placing this use in the Light Industrial Zoning District. The Board agreed.

- **Solar Energy Facility**

Mr. Lawson said solar energy facilities are now a common use in Adams County. Chair Belt said this use should be permitted, and Mr. Buchheit agreed. Mr. Belt said he would love to see a solar energy facility in the Mixed Use District. Mr. Hegarman said he would like to see this use permitted in the Rural Conservation District. Chair Belt said this would be a good investment for farmers as well. The Board agreed to have this use permitted in the Rural Conservation, Mixed Use, and Agricultural Zoning Districts. Mr. Kellett agreed it would be a good idea to add use standards now.

- **Wind Energy Facility**

Chair Belt said wind turbines are not attractive, but the Township should allow it to promote renewable energy sources. Mr. Young said Freedom Township does not have enough wind to support the turbines, so the likelihood is very low.

Mr. Hegarman said he would like to see the entire ordinance scrapped and start fresh. Mr. Lawson said they received guidance from the Planning Commission and the Board of Supervisors stating that they only want an update to the zoning ordinance, and they do not wish to change the nature of the Township. Mr. Young said the people in the Township do not want a new zoning ordinance. The purpose is to update the ordinance to added uses and use standards in order to protect the community.

- **Revise existing definitions as necessary. Uses which are defined in the Municipalities Planning Code should be using the MPC's definition in the zoning ordinance. Other definitions should be updated to comply with current legal requirements. Also, definitions should be added for undefined terms referenced in the ordinance or any new terms added as a result of this update.**

Mr. Gulden said the current zoning ordinance includes a lot of uses that are undefined, so this is very important. Mr. Lawson said all uses will be defined and have use standards.

- **Update references to the 1993 Comprehensive Plan with correct references to the recently adopted Southwest Adams Joint Comprehensive Plan.**
- **Remove permissive language. We recommend language such as "should" not be included in the zoning ordinance. Standards should either be required or not included.**
- **Remove language that gives decision making ability to an incorrect entity.**

### Changes by Article

Included below are recommended changes to individual sections, grouped by their corresponding article number in the zoning ordinance:

#### Article 3

- **Add or improve specifications on how to handle non-conforming uses, non-conforming buildings, abandonment, discontinuance and other potential issues. This will remove the "Accessory Buildings, Structures and Uses" section from Section 1301. Currently, the same standards are used for non-conforming uses and non-conforming buildings. We suggest these standards move to Article 3 and be distinguished from each other.**

#### Article 5

- **Section 502.E – Remove “quarters for watchman and caretakers.”**
- **Section 503.E – Either remove “accessory apartments” or add use standards.**
- **Section 503.K – Remove “recreation, active and passive” as a permitted use, land consumptive and not consistent with the established intent of the zoning district.**  
Mr. Kellett said active recreation is not consistent with the Township’s agricultural zoning. He said passive recreation is more in line with agricultural. The Board agreed.
- **Section 503.L – Remove “golf course” as a permitted use, land consumptive and not consistent with the established intent of the zoning district.**  
Mr. Kellett said golf courses are not consistent with the Township’s agricultural zoning and may be more appropriate in the Mixed Use Zoning District. Mr. Sica said he would also like to see it in the Rural Conservation District. Mr. Kellett said he believes golf courses may change the character of the RC District. The Board agreed to Mixed Use only.

**Article 9**

- **Update several cross references.**
- **Section 902.M.8. – Separate “medical center” into 2 or 3 similar types of uses dependent upon the size of the facility. Add use standards unique to each size. For example, create “small medical facility” and “large medical facility” or “hospital” each with unique use standards appropriate for the size of the facility.**  
The Board agreed this would be appropriate in the Mixed Use District, and maybe in the Commercial District.

**Article 12**

- **Section 1201 – Simplify the Floodplain Overlay section. We have commonly used language that works well. Include a reference to Freedom Township’s Floodplain Management Ordinance.**  
Mr. Lawson said he will include an updated floodplain map in the zoning ordinance.
- **Add an airport overlay. A small portion of Mid-Atlantic Soaring Center’s control space falls within the western edge of Freedom Township. We do not expect the overlay to require any standards that will have a tangible effect on property owners.**

**Article 13**

- **Move Section 1301 “accessory buildings, structures and uses” to Article 3.**
- **Remove Section 1303 “performance standards,” most of these are already handled by other outside agencies, others are handled through other parts of this zoning ordinance.**  
The Board agreed that these standards should remain in the ordinance.

- **Reorganize to make this article easier to understand by residents. We recommend a two section article that would look like the following:**
  - **Section 1301 – General Provisions (currently 1302)**
  - **Section 1302 – Use Standards (combine what is currently 1305, 1306, 1307, 1308, and 1309)**
  - **Section 1303 – Criteria for Special Exceptions (currently 1304). We will add language to cover uses allowed by special exception added subsequently, and provide recommended language we feel is needed to update current standards.**

**Article 14**

- **Update Article 14 – Off-street parking depending on the wishes of the Planning Commission and Board of Supervisors.**  
 Mr. Gulden said he recommends eliminating parking standards. The Wal-Mart parking lot in Straban Township, for example, is only full about one or two times per year. The rest of the year it sits empty. Businesses will know how much parking they need to remain successful. Eliminating or reducing parking requirements is an environmental planning tool to reduce stormwater runoff. The Board agreed to reduce parking requirements and not eliminate them.

**Article 15**

- **Update Article 15 – Signs to ensure it complies with current federal law.**

**Questions**

- **Article 12 – Are the overlays included within this article being used and enforced? If so, how well are they performing? Should they be updated, left alone or removed?**  
 Mr. Gulden said the overlays are being used and enforced.
- **Article 10 – Is there a consensus on the appropriateness of the “Planned Community Development” standards included in the Mixed-Use District? Do you wish to work towards identifying additional approaches for this area? Unless otherwise told, we will streamline and update this section without any major changes.**  
 The Board agreed they would like to see the Mixed Use District include less residential uses and more commercial uses. Mr. Lawson said he will prepare something and present it to the Board at a later date.

**NEW BUSINESS**

None

**OTHER BUSINESS**

Mr. Gulden stated there is a Planning Commission meeting scheduled for September 4<sup>th</sup> in

order to review a subdivision request.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

There being no further business Mr. Buchheit made a **MOTION** to adjourn. The Motion was **SECONDED** by Chair Belt. Chair Belt adjourned the meeting at 9:09 p.m.