

Meeting Minutes

Lemoyne Planning Commission

Tuesday September 13, 2011

LPC Members Present: Thomas Bank, Andrea MacDonald, Gale Gallo, Barb Byrem

LPC Members Absent:

Staff: Stephanie Williams (CCPC)

Guests: Irv Kiehl

Attached or Referenced Exhibits: N/A

The regularly scheduled Lemoyne Planning Commission meeting was called to order at 6:35 pm.

The meeting began with Mr. Bank's acknowledgment of Dwight Hermann's resignation. Mr. Hermann's resignation letter was read at the September 1, 2011 Borough Council meeting.

Ms. Byrem mentioned that a letter of interest to serve on the Lemoyne Planning Commission (LPC) has been submitted to the borough.

Mr. Bank discussed the status of outstanding minutes. The last minutes on the borough's website are those from the March meeting. April and May's minutes have been forwarded to the borough for posting on the website. A draft of July's minutes was submitted by the LPC's former secretary, Mr. Hermann, however draft notes were not submitted for June's meeting. Ms. MacDonald offered to type the minutes if the electronic recordings could be obtained from Mr. Hermann. Ms. Williams inquired if there could be borough staff assistance for completing the meeting minutes. She also indicated that borough staff may be able to assist with sending out a meeting reminder, setting an agenda, and help guide the discussion. Ms. MacDonald agreed to complete the meeting minutes until the conclusion of LPC's joint zoning ordinance review.

Mr. Bank called for a motion to accept and approve the August minutes. Ms. Byrem motioned and Ms. Gallo seconded. The minutes from August 9 were unanimously approved.

Joint Zoning Ordinance Discussion:

Part 7 Discussion

Ms. MacDonald commented that her draft ordinance includes some handwritten notes from the former LPC chair, Boyd Howard. She read Mr. Howard's note next to Section 702 (C) and (D): "could be generalized into 701.B". Mr. Bank agreed that there are similar conflicts in the other overlay districts.

Ms. Williams noted that the Airport Overlay Zoning District supersedes underlying district

provisions.

Section 703, Development Compatibility Standards Overlay Zoning District Discussion

703 (K) (1) (b) (2) has been revised to read: Glass with an opacity greater than x %, reflective, or black glass is prohibited, with the exception of stained glass and ornamental glass. Mr. Bank suggested using PENNDOT standards for tinting. Mr. Bank stated that he will confirm the maximum tint allowable by PENNDOT.

Ms. Byrem asked if the LPC would be required to proof read the draft zoning ordinance again after all of the changes were incorporated. Mr. Bank affirmed that LPC would need to ensure all recommended changes have been addressed and/or corrected.

703 (L) (1) should include the following district additions:

- (b) Principal buildings in **VMU** (Residential) – Zoning District ...
- (c) Principal buildings in **UR** Zoning District...
- (d) Principal buildings in **DT** Zoning District... then a pitched roof shall have a slope of no less than **4:12**.

703 (M) (1) (a) strike “multi-family dwelling/apartments” from the second line as apartment conversions have been eliminated in the borough’s ordinances.

Ms. Gallo questioned whether the apartment conversion ordinance addresses mixed use. She indicated that she isn’t certain if mixed uses are allowed in single-family residential buildings. Ms. MacDonald mentioned the Freehand Gallery on Market Street where the first floor of the residential building is commercial and the upper floor is apartments. Ms. Gallo commented that our ordinances should not be in conflict with each other.

703 (N), LPC discussed if Jim Bennett from CCPC could help LPC determine what the average building footprints currently are in zoning districts to compare what is permitted now. Ms. Williams commented that she didn’t think the county’s data calculates actual building footprints in square feet; she thinks the data may only include building volume however she will confirm.

703 (P), eliminate [this would include all text and graphics on pages 7-34 through 7-35]

703 (Q) (1) (c) should include the following zoning district additions:

In the **VMU, UR, and DT** Zoning Districts...

Mr. Bank also referenced the definitions for “street’ in Part 2 and that Mr. Paden will complete the specific street names on pages 2-44 and 2-45 and provide to Mr. Knarr.

Section 704, Heritage Conservation Overlay Zoning District Discussion

Ms. MacDonald expressed concern about this overlay zoning district applicability in Lemoyne. She noted that there are no properties listed or eligible for listing in the National Register of Historic Places. Other than Fort Couch, there are no other properties identified as a “historic resource” within the borough. Since the borough does not maintain a local list of “historic resources” this overlay district would be useless to advance the goals of the comprehensive plan.

Ms. MacDonald clarified that the purpose of the overlay district is to prevent the demolition of buildings that contribute to the borough's character. She asked the LPC members if it would make sense to eliminate this overlay and its demolition provisions tied to "historic resources" that do not exist as defined within the borough and rather have a demolition provision under Section 703, Development Compatibility Standards Overlay.

Mr. Bank recommended moving 704 (D) to 703 (P) where "Oversized Lots" has been deleted and to rename: Demolition, Removal or Relocation of a **Building**. Delete 704 (A) through (C).

There was discussion of "economic hardship" and whether the definition is too broad under (D) (3) Criteria for Review. LPC would like to strike (i) "The denial of a demolition would result in unreasonable economic hardship to the owner" unless it can be further defined. LPC would like to ask Mr. Knarr to find a model that better defines economic hardship. Ms. Williams was curious as to how many of the criteria need to be satisfied.

Section 705, Natural Resources Overlay Zoning District Discussion

Ms. MacDonald previously forwarded all of Mr. Howard's handwritten notes pertaining to this section to Mr. Knarr.

705 (D) (5) (b), need to correct the last two words of the paragraph to read: "is practical" rather than "a practicable".

705 (D) (9), Ms. Williams stated that typically steep slopes are called out in land development ordinances.

705 (E) (2) (a), strike "that are typically inundated throughout the year" as this seems to be in conflict with the boundaries of the overlay.

Part 12 Discussion

The discussion of Part 12 resumed at Section 1203.

1203 (B) (5), Mr. Bank questioned the elimination of gravel and that the "dustless surface" requirement doesn't promote permeable surfaces; should this remain as worded in an effort to prevent spillage?

1203 (C) (3), strike; this would require an accessory building of a large size; LPC had many concerns about this requirement including:

- why wouldn't all guest bedrooms be under one roof?
- the building and lot would dictate the number of guest bedrooms, so why limit to 4?
- the maximum number of guest bedrooms should be based on what the lot can accommodate
- LPC is more concerned about the number of parking spaces that would be required for each room

1203 (H) (1), what is the intent? The requirement seems to be missing something related to size. Is this to include a calculation for area? Is it mentioned elsewhere?

The discussion of Part 12 concluded with the discussion of 1203 (H) and will resume at the next work session.

Ms. Byrem motioned to adjourn and Mr. Bank seconded. All in favor.

The meeting adjourned at 9:10 pm.

**Lemoyne Planning Commission
Joint Zoning Ordinance Work Session
September 27, 2011**

LPC Members Present: Thomas Bank, Andrea MacDonald, Gale Gallo, Barb Byrem

LPC Members Absent:

Staff: Robert Ihlein (Borough Manager), John Paden (Codes Enforcement Officer)

Guests: Mayor Byrem, Zach Border, Tyler Semder

Attached or Referenced Exhibits: N/A

The Lemoyne Planning Commission Work Session was called to order at 6:40 pm.

The meeting began with Mr. Bank revealing what he learned about glass opacity [continuation of discussion related to Part 7 (K) (b) (2)]. Mr. Bank stated that the PENNDOT requirements aren't what he has remembered; he thought a darker tint was allowed on side vehicle windows. PENNDOT permits a 70% light transmittance, or a 30% tint. Mr. Bank also referenced architectural window film specifications from 3M. The architectural films range from 8% and up in light transmittance. After discussion, LPC members recommended using the PENNDOT standard and would like to have Part 7 (K) (b) (2) revised to read: "Glass must have a minimum light transmittance of 70%. Stained, ornamental, or privacy glass is exempted."

Part 12 Discussion

Section 1203

Beginning with (M) (5), Mr. Bank questioned the word "unenclosed". The LPC discussed the intent of this requirement and feel that the "un" should be deleted.

Ms. Gallo asked if the LPC members should be inserting specific district references where there are XX noted in the text. Mr. Bank stated that those would be completed following the LPC's review of the tables in Parts 4, 5, and 6.

(N) (1), LPC discussed the use of "physically attached" and questioned whether the consideration is to prevent more than one permitted use on the parcel.

(P) (3) change two hundred fifty feet (250) to *yards*, rather than feet.

Concerning both (R) and (S), LPC discussed whether the borough should require an emergency operations plan for schools similar to hospitals. Mr. Ihlein asked if this requirement should be in a zoning ordinance in either section and if it would be a violation of the ordinance if the borough didn't have this requirement in the zoning ordinance. Mr.

Bank asked if inclusion would ensure the applicant has followed all proper procedures in order to obtain a certificate of occupancy. Mr. Ihlein asked what role the zoning officer would have concerning these plans. Review would be unnecessary for purposes of enforcing the borough's zoning ordinance. Further discussion concluded that these plans are required under state regulations therefore the borough could take the position that the requirements are met concerning the borough's certificate of occupancy. Mr. Bank asked if this requirement should be deleted throughout the zoning ordinance. Mr. Ihlein questioned how the other two municipalities [Camp Hill and Wormleysburg] handled this. Mr. Gallo said the borough could simply require a letter to be attached stating that the plans have been approved by the state. Mr. Bank concluded by noting that if this is an ongoing certification then perhaps the zoning ordinance isn't the appropriate place to address these requirements. He will follow up with Mr. Knarr to ensure the LPC isn't overlooking anything related to this issue.

(T) (1) Ms. MacDonald recommended a greater distance than five hundred (500) feet and suggested two thousand, five hundred (2,500) feet. LPC members were in agreement.

(T) (5) The LPC discussed the appearance of the buildings and the requirement for "windowless" sexually oriented businesses. Ms. MacDonald stated that the buildings should be required to look like a respectable business. Mr. Ihlein asked if there are other federal regulations related to displaying of sexually explicit merchandise or other building code requirements related to windowless buildings. Mr. Bank responded that he didn't believe so and that buildings only require an escape route. After much discussion, the LPC recommends striking "shall be windowless".

Section 1204

(A) (4) strike

(C) Ms. MacDonald questioned if there is updated language concerning Mineral Extraction. This draft was prepared over a year ago and much activity has occurred in the state concerning this industry since the zoning ordinance was initially prepared. Mr. Bank stated that he would follow up with Mr. Knarr to ensure this section has the most current considerations related to gas extraction. Mr. Bank also questioned if there is a minimum property size needed for drilling.

(D) (1) LPC discussed screening requirements and noted that trees are required per Section 804 of this Chapter.

(D) (2) strike

(E) Ms. Gallo questioned noise issues related to sawmills; Mr. Ihlein stated that this use would need to meet performance standards for all uses. Ms. Gallo further questioned whether sawmills are always in enclosed buildings.

Section 1205

(C) (2) the requirement reads: "An outdoor play areas..." strike the "s" in "areas"

(I) (4) strike

Section 1206

Mr. Bank recalled that previous staff guidance stated that agriculture had to be permitted in all zoning districts however concerning (A) (2) livestock and poultry are not allowed in

any district in the borough's current ordinance. If the current ordinance's requirements carry forward, this should be rewritten to read: "The raising and/or keeping of livestock and poultry shall *not* be permitted". Strike (a) and (b).

(3) (b) strike

(7) strike

Section 1207

Strike this entire section. Mr. Ihlein noted that the borough has a separate cell tower ordinance. This existing cell tower ordinance may be included in the new zoning ordinance; Mr. Ihlein and Mr. Paden will review this possibility similarly to incorporating the existing sign ordinance into the new zoning ordinance. Discussion also noted that the landscape requirements in (9) may need to be moved to the sign ordinance.

Section 1208

The LPC had a lengthy discussion about accessory apartments and questioned how these requirements differ from apartment conversions. Mr. Ihlein noted that an apartment isn't currently permitted in a detached building. Furthermore, Mr. Bank questioned the requirement in (10) and commented that this is permitted in VMU where the borough wishes to encourage mixed use. Mr. Bank said he will confer with Mr. Knarr regarding this section.

(D) strike? This seems to be duplicated from other sections. Is this necessary/

(G) (1) revise to read: "No part of the *drive-thru* shall..."

(G) (4, 5, and 6) change "practicable" to *practical*

(I) (6) revise to read: "The business activity....which is *not* normally associated..."

(I) (7) include "%" following twenty five (25) %

(J) strike; borough has a stand alone café ordinance

This concluded the LPC's discussion of Part 12. Mr. Bank asked that LPC members come prepared to discuss the tables in Parts 4, 5, and 6 related to Area and Design Requirements.

Ms. Byrem stated that she will contact Dwight Hermann about obtaining outstanding minutes.

The LPC discussed the date when there will be a joint meeting with borough council to discuss recommended changes to the draft zoning ordinance. Various dates the beginning of November were considered. Mr. Ihlein will confirm when there will not be any conflicts. Mr. Bank also said he will confirm Mr. Knarr's availability.

Ms. Byrem motioned to adjourn and Ms. Gallo seconded. All in favor.

The meeting adjourned at 9:45 pm.

**Minutes Prepared by
Andrea L. MacDonald
Vice Chair & Acting Secretary
Lemoyne Planning Commission**