

Palmyra Township
Planning Commission Meeting Minutes
March 29, 2022

Meeting called to order at 7:00 p.m. by Planning Commission Chair Deborah Comstock at the Palmyra Township Hall, 6490 Palmyra Rd.

Members present: Deborah Comstock, Laurie Isley, Laura Brown, Carmen Loar, Ryan Mapstone, Vivian Pell

Members absent: Mark Crane

Audience Attendance: 3

Motion Isley, support Mapstone to approve the agenda as amended. **Motion carried**

Add to New Business:

- Small Atmospheric Weather Station

Written Comment: None

Public Comment: None

Motion Isley, support Pell to approve the March 1, 2022, Planning Commission Meeting minutes as written. **Motion carried**

Unfinished Business:

- **Article V: Nonconformities of the 11-2020 Zoning Ordinance:** Motion Isely to adopt Section 5.3 of the *ZO Working Document*. **Motion failed due to lack of support**
- **Article V: Nonconformities of the 11-2020 Zoning Ordinance:** Motion Isley, support Mapstone to make the recommended changes to the 11-2020 Zoning Ordinance by replacing Article V: Nonconformities with the language of *Article V: Nonconformities of the ZO Working Document* (See Addendum A). **Motion carried**
- **Article V: Nonconformities and Article VI: Special Approval Uses of the 11-2020 Zoning Ordinance:** Motion Isley, support Mapstone to adopt Article V: Nonconformities and Article VI: Special Land Uses of the *ZO Working Document* and replace Article V: Nonconformities and Article VI: Special Approval Uses of the 11-2020 Zoning Ordinance (See Addendum A & B). **Motion carried**
- **Viasat communications:** Motion Brown, support Pell to recommend that Viasat/SSB file a Variance Application with the Zoning Board of Appeals.

New Business:

- **Small Atmospheric Weather Station:** Discussed with no action taken at this time. Supervisor Pixley explained to the Planning Commission that a research company had contacted him about placing atmospheric weather stations in various areas of the township. Supervisor Pixley contacted the Zoning Administrator, Todd Roach, who said that since the current Zoning Ordinance does not address small atmospheric weather stations, then the stations would not be permitted. Therefore, he recommended that the Planning Commission consider researching atmospheric weather stations for the purpose of adding it in the current Zoning Ordinance.
- **Special Meeting:** Motion Brown, support Isley to schedule a Special Meeting on Tuesday, April 26, 2022, at 7:00 pm, for the purpose of reviewing Article VII: General Provisions of the 11-2020 Zoning Ordinance. **Motion carried**
Motion Brown, support Isley to amend the April 26, 2022, Special Meeting date to Tuesday, May 3, 2022. **Motion carried**
- **PC Secretary nomination:** Discussed with no action taken at this time. The Planning Commission agreed to postpone the nomination until the next meeting.

Adjournment

Motion Isley, support support Brown to adjourn at 8:50 p.m. **Motion carried**

Next PC Meeting: May 3, 2022

Addendum A

ARTICLE V NONCONFORMITIES

SECTION 5.1 – NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendment, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under the terms of this

Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue but not to allow their expansion. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities may not be enlarged, expanded, or extended except as provided herein.

SECTION 5.2 – RECONSTRUCTION of DAMAGED NONCONFORMING BUILDINGS and STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the provisions of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use of land may be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure may be established therewith.
- B. No such nonconforming use of land may be moved in whole or in part to any other portion of such land not occupied on the effective date of adoption or amendment of this Ordinance.
- C. If such nonconforming use of land ceases for any reason for a period of more than one hundred eighty (180) consecutive days, the subsequent use of such land shall conform to the district in which such land is located.

SECTION 5.3 – NONCONFORMING STRUCTURES

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such

structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such structure may be enlarged, expanded, extended or altered in a way which increases its nonconformance.
- B. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- C. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to any extent, it may be reconstructed and continue to be used for the identical use which existed prior to destruction provided reconstruction begins within one hundred eighty (180) days and is completed within three hundred sixty-five (365) days.

SECTION 5.4 – NONCONFORMING USES of STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful, subject to the following:

- A. No non-conforming use of a structure may be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- B. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days, the structure may not thereafter be used except in conformance with the regulations of the district in which it is located.
- C. Should any structure containing a nonconforming use be moved for any reason or any distance, it shall thereafter conform to the regulations of the district in which it is located.

SECTION 5.5 – CHANGE of TENANCY or OWNERSHIP

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is no change in the nature or character of such nonconforming use, building, or structure.

SECTION 5.6 – SUBSTANDARD, NONCONFORMING LOTS of RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous

frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots with continuous frontage in single ownership are of record and all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance nor shall any division of the parcel or lot with width or area below the requirements stated in this Ordinance.

Addendum B

ARTICLE VI SPECIAL LAND USES

SECTION 6.1 – SPECIAL LAND USES

The formulation and enactment of this Ordinance is based upon the division of Palmyra Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of Palmyra Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 6.2 – AUTHORITY to GRANT PERMITS

The Planning Commission, as hereinafter provided, shall recommend to the Township Board who shall have the final authority to grant Special Land Use Permits. The Township Board may grant Special Land Use Permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all Special Land Uses specified in the various district provisions of this Ordinance.

SECTION 6.3 – APPLICATION and FEE

Application for any Special Land Use Permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official Special Land Use Permit application form; submitting a Site Plan in accordance with Article VII and depositing the required fee as established by resolution of the Township Board.

SECTION 6.4 – APPLICATION and SITE PLAN REQUIREMENTS

An application for a Special Land Use Permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and a Site Plan as specified in, and in conformance with, Article VII Site Plan Review and Approval, of this Ordinance.

SECTION 6.5 – PUBLIC HEARING

When a request for a Special Land Use Permit has been filed in proper form with the Planning Commission, the Commission shall immediately place said request for appeal upon the calendar for public hearing, notice of which shall be given as required in Section 13.04, PUBLIC NOTIFICATION.

SECTION 6.6 – REQUIRED STANDARDS and FINDINGS for MAKING DETERMINATIONS

The Planning Commission and Township Board shall review the Site Plan submitted in accordance with Article VII for proposed Special Land Uses in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets or does not meet these standards.

A. Development standards applying to all proposed Special Land Uses:

1. The proposed Special Land Use shall be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
2. The proposed Special Land Use shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
3. The proposed Special Land Use shall be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be responsible to provide adequately any such services.
4. The proposed Special Land Use shall not be hazardous or disturbing to existing neighboring uses.
5. The proposed Special Land Use shall not create excessive additional requirements at public costs for public facilities and services.

- ### **B. Development standards applying to specific proposed Special Land Uses. A Special Land Use Permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may recommend and the Township Board may impose additional conditions and safeguards when deemed necessary in accordance with Section 6.08 of this Ordinance.**

SECTION 6.7 – APPROVAL of SPECIAL LAND USE PERMIT

Upon review of the application and Site Plan in accordance with the standards established in Section 6.06, holding of the public hearing in accordance with Section 6.05, and review of requirements of other provisions of this Ordinance as they apply to the proposed Special Land Use, the Township Board shall approve, subject to conditions in accordance with Section 6.08, or deny the Special Land Use within thirty (30) days following the public hearing. A written statement of findings and conclusions (e.g., staff report, detailed motion, meeting minutes, etc.) that specifies the basis for a decision and any conditions imposed on a Special Land Use request shall be maintained by the Township.

For the purposes of this Section, the approval of the Site Plan shall constitute the approval of the Special Land Use permit. A request for approval of a Special Land Use Permit which is in compliance with standards stated in the Zoning Ordinance, the conditions imposed pursuant to Section 6.08, other applicable ordinances, and state and federal statutes, shall be approved. Upon approval of the Special Land Use Permit, a copy of the approved Site Plan shall be forwarded to the applicant, Clerk, Zoning Administrator, and Planning Commission along with full documentation regarding the findings of the review and approval or denial. The Zoning Administrator shall not issue a zoning compliance permit until he/she has received a copy of the approved Site Plan.

SECTION 6.8 – IMPOSITION of CONDITIONS

Upon review of the application and Site Plan in accordance with the standards established in Section 6.06 and the requirements of other provisions of this Ordinance, the Township Board may require reasonable conditions necessary to insure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased service and facility loads generated by the land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon mutual consent of the Township Board and the landowner.

SECTION 6.9 – PERFORMANCE GUARANTEE

In authorizing a Special Land Use Permit, the Palmyra Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, performance bond, surety bond, *or* guaranty bond be furnished by the developer to insure compliance with an approved Site Plan and Special Land Use Permit requirements. The Palmyra Township Board shall determine which type of guarantee is necessary and such guarantee shall be deposited with the Palmyra Township Clerk at the time of the issuance of the Special Land Use Permit. In fixing the amount of such performance guarantee, the Palmyra Township Board shall limit the amount to reasonable

improvements required and remediation or restoration necessary after the special land use ceases operation, to restore the site to its condition before the Special Land Use was permitted and to meet the standards of this Ordinance and to protect the natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, sidewalks, screening and drainage or improvements for decommissioning, including but not limited to removing all nonutility owned equipment, conduits, structures, fencing and foundation to a depth of at least 4 (four) feet below grade, all gravel and access roads, and replacing soil removed or eroded. The Palmyra Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this Section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions contained in the Special Land Use Permit.