

Myerstown, PA
Monday, May 22, 2017

An Open House was held from 6:30 p.m. to 7:00 p.m. President Bryan L. Rittle called the advertised special meeting of the Myerstown Borough Council to order at 7:00 p.m., on Monday, May 22, 2017. The meeting was held in the auditorium of the Myerstown Government & Business Center, 101 S. Railroad Street, Myerstown, PA 17067.

Following the Pledge of Allegiance, a roll call was taken. Present were: President Bryan L. Rittle, Vice President Michael D. Behm, Councilmembers Eric L. Powell, Ronald Ream, Jeffrey L. Thomas, Mayor Gloria R. Ebling, Solicitor Frederick S. Wolf, Economic Development Manager Michael McKenna, Assistant Manager Barry A. Ludwig, and Deputy Secretary Lisa A. Brubaker. Absent were: President Pro Tem Park W. Haverstick, II, and Councilmember Dana Reich.

No minutes of past meetings were presented for approval at this planning meeting and no action was taken on any minutes.

The President proceeded to the agendas order of the business:

President Rittle turned the discussion over to Consultant Charlie Schmehl from URDC (Urban Research and Development Corporation) for the Zoning Ordinance and Map update.

Charlie Schmehl stated he has been working with the Borough Council and staff on the proposed Zoning Ordinance. The proposed Ordinance is based upon the Boroughs Mini-Comprehensive Plan. This project has been funded with a state grant. The code requires two public meetings before adoption. The Borough Planning Commission held their meeting on Monday, May 15, 2017 and Council is holding their meeting tonight, Monday, May 22, 2017.

Charlie Schmehl gave the following presentation:

Overview:

The draft Zoning Ordinance:

- Is based upon a Mini-Comprehensive Plan approved by Borough Council.
- Was largely funded with a State grant.
- Was developed at meetings of Borough Council and Borough Staff, and
- Is being discussed at a public meeting & a public hearing.

What is Zoning?

Zoning primarily controls:

- The types of businesses, types of housing and other uses allowed in various areas of the town.
- The densities and intensities of development.
- The sizes and heights of signs.
- Development allowed in flood-prone areas, and
- The amount of parking required for various uses.

Major Goals & Objectives:

- Provide for compatibility between different types of development, to avoid nuisances and hazards.
- Promote the downtown as a pedestrian-oriented business center.
- Allow a range of housing types and protect neighborhoods.
- Preserve important historic buildings.
- Protect natural resources, including the Tulpehocken Creek.

Additional Issues:

- Existing legal uses can continue, can be sold, & can expand within limits if “non-conforming.”
- Intent is to streamline the process for desirable types of development, such as reuse of downtown buildings.
- Avoid over-regulation of routine changes to homes and other properties
- Avoid allowing an existing one family home to be converted into 2 or more apartments in residential areas, except unusually large homes.

Consultant Schmehl reviewed the current zoning district’s map and the proposed zoning district’s map. There is not a revolutionary change between the existing map and the proposed map. For the most part, the residential areas continue to be residential, the commercial areas continue to be commercial, and the industrial areas continue to be industrial.

Consultant Schmehl stated there are some new names for the district areas and that is based on the Borough Comprehensive Plan.

Residential Districts:

LDR - Low Density Residential – Mainly would allow single family detached and side-by-side twin homes, plus up to 4 townhouses attached on a lot of at least ½ acre.

OT - Old Town Residential - Would allow a mix of housing types, but new apartments would be limited to a lot of more than 1/3 acre.

Zoning Districts in the Center of Myerstown:

TMN - Traditional Mixed Neighborhood –Would allow a mix of housing types, plus businesses of low intensity, such as retail stores, offices, day care centers and personal services.

TC - Town Center - Would allow apartments (except first floor), retail stores, offices, restaurants without drive-through, banks, hotels, and day care, but not allow new auto sales or auto repair.

Business Districts:

GB - General Business - Would allow a wide range of commercial businesses.

LI - Light Industrial – Would allow most types of industrial uses, but not the heaviest industries. Would also allow offices and some commercial uses.

GI - General Industrial – Similar to LI, except it would also allow some intensive uses, with strict controls.

Community Facilities and Conservation Districts:

CF - Community Facilities District – Would include some of the larger churches, the Seminary, cemeteries and retirement communities. Similar to Old Town District, except a taller height and higher density would be allowed for senior housing.

CN - Conservation District –Would include public parks and the Tulpehocken Creek corridor. Borough regulations also limit development in flood-prone areas.

Consultant Schmehl reviewed the Floodplain and Flood Fringe Map.

Control of Demolition of Historic Buildings:

The draft ordinance includes a list of 35 important historic buildings. Before a building on that list could be partly or entirely demolished, approval would be needed from Borough Council. The intent is not to stop all demolitions, but to avoid thoughtless demolitions when there are reasonable alternatives to reuse a community landmark.

Consultant Charlie Schmehl opened the floor for questions and comments:

President Rittle stated this is the time to ask any question or comments before it is adopted. Once adopted, the Ordinance stands as written. So if there are any questions now is the time to ask.

Mike Davis – 511 S. Cherry Street – asked if it was true that 50% of houses in town are apartments. President Rittle stated it is not quite half, but about 47% are rentals.

Linda Hicks - 21 E. Main Avenue – stated they own a large house, if they were to sell, can someone make the house into apartments.

Consultant Schmehl stated you would need 3,000 square feet of floor space before you could do apartments. The other option is if the home is located in the TMN (Traditional Mixed Neighborhood) District. That could allow for a business on the first floor and a one unit residence on the upper floor. All building codes would have to be met for either conversion option from a single family home.

Consultant Schmehl stated there is also a provision called a live – work unit. What that means is, you do not need to separate the business space from residential space. You would not need distinct walls separating it from the home space. This makes it more flexible for a home business. The main idea is in the TMN District, you will have more choices than you currently have now regrading small businesses.

Consultant Schmehl stated the goal was to make the Zoning Ordinance more business friendly.

Eric Hicks – 21 E. Main Avenue – asked what is the logic of being more business friendly, with regards to the Borough being able to raise the funds needed to operate, rather than bring residents into increase the tax base.

Consultant Schmehl stated business development is profitable to the school district, but the Borough also will generate substantial revenue from businesses. The revenue from residents is based on the income of the residents because the Earned Income Tax varies based upon the income of the household.

Consultant Schmehl stated there are opportunities along College Street with the traffic there that would open up opportunities for small businesses without changing the character. There are also design standards so that someone could not build strip malls in the older parts of town.

Consultant Schmehl stated you need a balanced community. To have a balanced community, you need a balance with home owners, residence, renters, and businesses.

President Rittle stated the idea was to have businesses that residents could walk to, there would be more desire for homeownership in town. We want to be able to attract people to the community.

Mike Davis – asked how strict will regulations be if a Zoning Variance is needed. Consultant Schmehl stated the Borough has its own Zoning Hearing Board. Under State Law, a Zoning Hearing Board is supposed to be limiting variances to proving of a hardship.

Consultant Schmehl stated the meaning of hardship is; you did not create it yourself and you have no other solution to the dilemma, there is no other way to resolve the issue.

President Rittle stated when an application is received, the surrounding property owners are notified of the hearing so a person can come to the meeting to voice any comments or concerns regarding the application. The hearing is advertised and the public meeting is for anyone to attend.

President Rittle stated there is also a means of appeal if someone does not agree with the Zoning Hearing Board's decision.

Solicitor Wolf stated under the law, the appeal from a Zoning Hearing Board decision would go to the court. The person taking the appeal has to prove they have the right under the law to take the appeal to the court. It is then scheduled and goes before the court. The Zoning Hearing Board's written decision, transcripts of the proceeding, and all exhibits have to be given to the court. The court would make a determination of whether or not any additional testimony is taken for the court to make a decision on whether or not the Zoning Hearing Board acted properly in making the decision. Or the court can determine to not take additional testimony and make a decision based on the record. If someone does not like the decision the court makes, they can appeal to the Appellate Court.

President Rittle asked if there were any more questions or comments: There were no more comments.

Solicitor Wolf made the following statement for the record:

As Required by Law, this was advertised; the advertisement appeared; the Proof of Publication has been received and is present at the meeting.

The Ordinance was provided to the Lebanon County Planning Department in accordance with the statutory time requirements; that time for comments by the County Planning has expired, and we have received no comments.

The Director of the Lebanon County Planning Department did attend the Boroughs Planning Commission public meeting held on Monday, May 15, 2017. The Director stated the county is willing to continue to act as the Boroughs Zoning Officer under this new Ordinance just as they have under the current Ordinance, as long as the Borough appoints them to act in that capacity.

Again, the Borough Planning Commission met on Monday, May 15, 2017 in accordance with an advertisement that took place provided in the same Proof of Publication. The Planning Commission Solicitor, who is an attorney in Solicitor Wolf's office, told him, the Planning Commission after its public hearing, did take action, the Commission was in favor of the approval of this Ordinance by Borough Council.

This notice was advertised in the Lebanon Daily News pursuant to the requirements of law. A copy of the Zoning Ordinance was provided to the law library and the Lebanon Daily News at the time the advertisement was placed. This advertisement provided that Borough Council could take action on adoption this evening or could make a determination to not take action on approval or rejection of the Ordinance until the Borough Council meeting on June 13, 2017.

When, and if, the Borough does adopt the Zoning Ordinance, Council will also need to determine the effective date of the Ordinance. It is typical with this type of Ordinance, to coordinate things that need to be done that at the time other than the date of adoption be set as the effective date for the Ordinance. In our case, it would make more sense to set the effective date when the next meeting is to be held, which is June 13, 2017. The effective date is the date when this Ordinance becomes effective throughout the Borough.

The other thing that should be done at the time of adoption is to reappoint Lebanon County Planning Department as the Zoning Officer for the Borough.

All of the things we have done are to be in compliance with the requirements of the State Law and have now been placed into the record, so whenever the Council decides to adopt the Ordinance these are part of the record. Solicitor Wolf turned the meeting back over to the Council President.

President Rittle asked if there were any more questions or comments.

Eric Hicks asked the consultant to explain any impacts that will occur to their home that will be in the TMN (Traditional Mixed Neighborhood) regarding traffic and noise.

Consultant Schmehl stated there are noise limitations in the Ordinance that deal with problems if they arise in the future. A neighbor may open a small business. We tried to select the businesses in the TMN areas, of types that are unlikely to cause a lot of traffic and noise.

Mike Davis asked if the Library is open on Memorial Day. The Council does not know. He should check at the Library.

President Rittle asked if there were any more questions or comments: There were no more comments.

President Rittle called to entertain a motion to approve the update of the Zoning Ordinance. A motion was made by Michael D. Behm, seconded by Ronald Ream, to approve and adopt the Zoning Ordinance (841) and Map update of the Myerstown Zoning Ordinance with the effective date of June 13, 2017. All those in favor: on a roll call vote Michael D. Behm – yes; Eric L. Powell – yes; Ronald Ream - yes; Jeffrey L. Thomas – yes; Bryan L. Rittle – yes: Motion unanimously carried.

President Rittle called to entertain a motion to appoint the Lebanon County Planning Department as the Zoning Officer for the Borough. A motion was made by Eric L. Powell, seconded by Michael D. Behm, to

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appoint the Lebanon County Planning Department as the Zoning Officer for the Borough. All those in favor:
Motion unanimously carried.

Charlie Schmehl stated it has been a pleasure working with the Borough and if we have any question to please contact him.

President Rittle thanked Charlie Schmehl for his work on this project and thanked everyone for coming to the meeting.

The President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Ronald Ream, seconded by Jeffrey L. Thomas, to adjourn the meeting at 7:45 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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