

East Manchester Township
Zoning Ordinance/SALDO Review
And
PLANNING COMMISSION MINUTES
November 26, 2013

The Planning Commission met for a work session at 6:04 p.m. The following members were present: Blaine Rentzel, Robert Nace, Edward Hewitt. Absent: Mike McCowan, Mike Scarborough (with prior notice). Also present: Engineer Laymon Mortorff, Zoning Officer Jon Beck, Recording Secretary, and one citizen.

Mr. Beck reported that there was a newspaper article dealing with the keeping of chickens in New Freedom. His point was that East Manchester is certainly not the only municipality dealing with this issue.

He referred to his memorandum dated November 19, 2013, which is a draft of ordinance language dealing with domestic pets, livestock, and beekeeping. Mr. Beck noted that the Livestock and Beekeeping portions of the ordinance are new, as EMT does not currently have definitions for livestock or beekeeping. All's good with this section.

Discussion was held on beekeeping: Section 255-53 does address animals other than domestic pets. Mr. Beck's draft presented three options for beekeeping information. The beekeeping section will be a separate provision within the Zoning Ordinance. Discussion: Mr. Hewitt likes the third option, the chart form.

Re: the sentence about livestock housing, use this wording: "All fenced pastures and structures used to house livestock shall be prohibited in the front yard." How about in the side yard? Currently, the ordinance does permit fences in the side yard of a property. Should rabbits be included in the livestock classification? The proposal includes rabbits under domestic pets. Someone could conceivably raise rabbits for a commercial operation, thereby putting them in the livestock category.

On the chart option, how many animals should be permitted in each district, for each group of animal classification? Does the density apply to animals raised totally within a closed building? Mr. Beck feels yes. But does the Township have to get into monitoring what goes on in an enclosed building? Does the Township care how many animals are in that building? Mr. Beck still feels that the distinction should not be made between housed and un-housed animals. Discussion was held on raising animals as pets or for profit.

Beekeeping was discussed with regard to lot size. Last month, the Planning Commission members expressed a desire to limit beekeeping to a minimum lot area of 20,000 square feet. Does that provision still apply? How about a half acre? Anyone currently keeping bees on lots smaller than that would be considered pre-existing non-conformities and not subject to the ordinance change. Are all the lots in the main developments at least 20,000 square feet? The original idea behind the minimum 20,000 square feet requirement was to keep beekeeping out of a residential development. Should it be increased to a half acre minimum? From the audience, Mr. White asked what if someone gets stung by a bee? Mr. Beck feels that the burden of proof would be upon the person alleging that the bee came from the local hive. Bees are everywhere; why does someone have to be blamed? Is the setback too great (50 feet)?

At a regular meeting held at the Township Building, the following members were present: Blaine Rentzel, Robert Nace, Edward Hewitt. Absent: Mike McCowan and Mike Scarborough (with prior notice). Also present: Engineer Laymon Mortorff, Zoning Officer Jon Beck, Recording Secretary, and four citizens.

Chairman Rentzel called the meeting to order at 7:01 p.m.

Minutes

The minutes of the meeting of October 22, 2013, were approved with no formal motion or second.

Plans

A. 465 Zions View Road – Gross/Kinsley properties subdivision plan

Jim Snyder and Gary Frederick were present on behalf of the applicants. A change was made regarding the property line being placed in the center of the street. The applicants will retain the title to the property on the street. There will be a deed of dedication of ROW to the Township at the appropriate time. There were some other changes made to satisfy the Sewer Authority requests.

Mr. Mortorff noted which changes were made to the plan. From last month's meeting and the engineer's review letter dated September 12, 2013, the following information is still outstanding: 2, correct notes 17 and 20; 4a, owner's signatures (Section 208-34B.17); 4b, engineer's and surveyor's signatures (Section 208-34B.18); 4c, sewer authority signature (section 208-34B.20); 4d, HOP note (Section 208-34B.22); 4e, E and S plan approval (Section 208-34C.9); 4g, Surety (Section 208-34.C.13); 4h, notes from Attorney Miller's memorandum dated September 22, 2011; and 6 stormwater management documentation.

Motion by Hewitt, second by Nace, to recommend approval of the Gross/Kinsley properties subdivision plan subject to the satisfactory resolution of the following open items from the review letter dated 9/12/13, above: 2, 4a, b, c, d, e, g, h and 6. All members voted aye; motion carried.

B. 465 Zions View Road – Gross property Industrial Land Development (plan was continued from October's meeting)

Jim Snyder and Gary Frederick were present on behalf of the applicants. This plan was continued from last month's meeting. This is project number 11-0158-003, original plan date 8/30/13; latest revision 11/6/13.

The lighting issue has been resolved, as far as the applicant is concerned. A revision was presented. Mr. Mortorff will be satisfied as long as the applicants do what they say they will do to modify the lighting issues. He requested more details on their modifications, which they will provide.

Mr. Mortorff's letter dated September 12, 2013, was reviewed. Outstanding comments: 1, lighting details as indicated (Section 255-17B.3); 5a, owner's signatures (Section 208-34B.17); 5b, engineer's and surveyor's signatures (Section 208.34B.18); 5c, Sewer Authority signature (Section 208-34B.20); 5d, E and S plan approval (Section 208-34C.9); 5e, surety (Section 208-34C.13); 5f, appropriate note from Attorney Miller's memo dated September 22, 2011; 5g, cartway width of Zions View Road must be labeled on Sheet 2 (Section 208-34B.7); 5h, planning module approval (Section 208-31A3.6); 6, stormwater management plan approval with detail sheet (Section 208-34C.10); 8, parking setback and building setback lines along Zions View Road should be dimensioned from the dedicated ROW; 10, traffic impact study negotiations/resolution.

Mr. Nace is concerned with the stormwater drainage proposals. He referred to previous occurrences of three major storms producing mass quantities of water. He is concerned with the possibility of the homes behind the dam breast being flooded by runoff from this site. Would their homeowners' insurance cover any damages in the event of a problem? Unknown. Mr. Snyder explained

their calculations and methods of addressing the concerns. They feel that the situation has been addressed sufficiently. Mr. Mortorff feels that the long-term issue will be infiltration. He requested details on how the applicants will meet the bedrock; they will provide. Attorney Miller will be involved in the preparation of the stormwater maintenance agreement to assure that any possible future problems will be addressed.

Regarding Item 10, discussion is being held between the developer and the Township to secure an appropriate developer's agreement to include recreation fees and a donation for road improvements.

It was noted that last month, all waivers except the rec fees were recommended for approval. The Board of Supervisors will deal with the rec fees.

Motion by Nace, second by Hewitt, to recommend approval of the Gross property Land Development Plan subject to the satisfactory approval of the following open items referred to above: 1, 5a-h, 6, 8, and 10. All members voted aye; motion carried.

At 8:14 p.m., the workshop meeting resumed.

- A. No livestock, as an accessory use, having a gross adult weight of more than ten pounds, shall be kept on a property in the R-1, R-2, CO, or A District, unless the property on which such animal is kept is at least three acres in size;
- B. Livestock, as an accessory use, having a gross adult weight of less than ten pounds, may be kept on a property in the R-1, R-2, CO, or A District, as long as the property on which such animal is kept is at least 25,000 square feet in size;
- C. Beekeeping may be authorized in the R-1, R-2, CO, or A Districts provided for the following criteria:
 - a. Hives shall be located only within the side or rear yards;
 - b. Only hives with moveable frames may be used, to permit inspection for disease, parasites, or pathologies;
 - c. Hives shall be located no closer than fifty (50) feet from any property line; and
 - d. At least one sign denoting the presence of bee hives on the subject property shall be placed and maintained so as to be visible from the cartway; (add "be")
 - e. A hive shall not be positioned within one hundred (100) feet of a property line with an existing kennel, animal hospital or veterinarian's office with outdoor facilities;
- D. In the R-3, AO, and V Districts, the keeping of livestock shall be permitted by special exception, provided that the property shall be a single lot and shall consist of at least three acres; for beekeeping, the minimum lot size shall be 25,000 square feet.

On the chart, for accessory use,

Group 1, *R-1 and R-2*, 12 animals per acre; 36 total animals; 50' setback;

Group 2, *R-1 and R-2*, 6 animals per acre; 18 total animals; 50' setback;

Group 3, *R-1 and R-2*, 1 animal per acre; 3 total animals; 50' setback;

On the chart, for the Conservation District, accessory use,

Group 1 animals, 12 animals per acre; 36 total animals; 50' setback;

Group 2 animals, 6 animals per acre; 18 total animals; 50' setback;

Group 3 animals, 1 animal per acre; 3 total animals; 50' setback;

On the chart, for the Agricultural District, accessory use,

Group 1 animals, 12 animals per acre; 36 total animals; 50' setback;

Group 2 animals, 6 animals per acre; 18 total animals; 50' setback;

Group 3 animals, 1 animal per acre; 3 total animals; 50' setback;

Make one chart for all districts.

Back to the chickens: add that all slaughtering shall be done in an enclosed area. No roosters permitted as a pet or accessory use in any zone.

Beekeeping:

From the chart, R-1, R-2, CO, and A Districts:

Location, side or rear yard

Hives per acre: n/a

Maximum number of hives: 2

Setback requirements: 50'

Mr. Beck presented a memo from Attorney Miller, dated October 31, 2013, regarding signs. Mr. Beck was unsure why Mr. Miller passed this to the Planning Commission; Mr. Beck will check with the Board of Supervisors on what the Planning Commission needs to do.

Additional New Business

Nothing at this time.

Due to the holidays, the Planning Commission does not anticipate having a quorum for the December 17, 2013 meeting; therefore, the Planning Commission will not meet in December. The Planning Commission shall resume the ordinance review and address any new business at the January 2014 meeting, following the Reorganization of the Planning Commission.

The January meeting will be held on January 28, 2014, 7 p.m., unless otherwise noted.

Motion by Hewitt, second by Nace, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary