

PALMYRA TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 128-2014

AN ORDINANCE AMENDING THE PALMYRA TOWNSHIP ZONING ORDINANCE OF AUGUST 20, 2013, AS AMENDED, TO:

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Palmyra Township, Pike County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, as follows:

☞ **ITEM 1 - Amend and add the following definitions in §3.300:**

Amend:

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the street right-of-way and other setbacks from property lines.

Add:

Mini-warehouse - A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Sport Vehicle: All terrain vehicles, four wheelers, golf carts, motorcycles, snowmobiles, water craft, trailers used for such vehicles, and utility trailers.

☞ **ITEM 2 - Remove the line between the conditional use list and note and amend the conditional use note in the Schedule of Uses for the R - Residential District, MR - Mixed Residential District, S - Special Purpose District, MP - Mobile Home Park District, LC - Local Commercial District, CC - Community Commercial District, and HC - Highway Commercial District to read as follows:**

* NOTES APPLICABLE TO THE CONDITIONAL USES LISTED ABOVE

The following shall be considered conditional uses:

1. The establishment of any new use listed as a conditional use, including a change from one use to another.
2. Any use listed as a conditional use which involves a cumulative increase (measured from the effective date of this provision) of more than 1,000 square feet of combined area of any:
 - a. additional land area devoted to the use exclusive of parking and loading areas required by §5.500 and required stormwater facilities; plus,
 - b. the total gross floor area of any new building or any addition to an existing building, each including principal and accessory buildings.

(See Article IX for changes and extensions to nonconforming uses.)

ITEM 3 - Add *recreational and sport vehicle sales operations* as a conditional use in the CC District Schedule of Uses.

ITEM 4 - In the Schedule of Development Standards established by 4.403, amend Note 1 to read as follows:

1. Special Provisions

- A. Single-family Dwellings and Two-family Dwellings - R District development standards shall apply to all single-family dwellings and two-family dwellings in all Districts. See Note 2 which requires a minimum lot size of 2.0 acres in the S District for all types of water supply and sewage disposal and Note 7 for two-family dwelling minimum lot size.
- B. Nonresidential Uses in MR District and MP District - CC District development standards shall apply to all nonresidential Uses in the MR District and the MP District unless this Ordinance requires a different minimum lot size.

ITEM 5 - Add the following §8.5505

8.5505 Recreational and Sport Vehicle Sales Operations in the CC and HC Districts

In the CC and HC Districts, all vehicle sales operations shall be limited to recreation vehicles and sport vehicles as defined in §3.300, subject to the following specific requirements and all other applicable standards:

- A. Parcel Size - The minimum parcel size shall be three (3) acres.
- B. Outdoor Display or Storage - The outdoor display or storage of recreation vehicles and sport vehicles shall comply with the front, side and rear setback requirements for the district and shall not be permitted in any required access or parking areas.
- C. Service and Repairs - Service and repairs which are normally accessory to such sales operations shall be conducted in accord with the applicable standards in §8.5502.
- D. Tire and Parts Storage - All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Piles or stacks of tires or other parts or materials in exterior areas shall be prohibited at all times.

- E. Accessory to Marinas - The sale, service and repair of recreation vehicles and sport vehicles shall be permitted as part of a legally operating marina in accord with this §8.5505 and all other applicable standards. The minimum parcel size of three (3) acres shall not apply to marinas existing at the effective date of this §8.5505. (See §8.2500 for marinas.)
- F. Accessory to Mini-Warehouses - The sale, but not service or repair, of recreation vehicles and sport vehicles shall be permitted as part of a legally operating mini-warehouse in accord with this §8.5505 and all other applicable standards provided the mini-warehouse is located on a parcel of three (3) acres or more. (See §8.2700 for mini-warehouses.)

☛ **ITEM 6 - Amend §9.104 to read as follows:**

9.104 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension, change, restoration or reconstruction in a nonconformity shall only proceed in compliance with this Article.

☛ **ITEM 7 - Amend and add definitions in §9.200 as follows:**

Amend

9.204 Nonconforming Structure, Reconstruction

The rebuilding of a nonconforming structure damaged or destroyed by casualty or demolished in whole or part to the exact or less nonconforming condition which existed prior to the casualty or demolition.

Add

9.209 Nonconforming Use, Restoration

The reestablishment or re-initiation of a use damaged or destroyed by casualty or removed in whole or part to the exact or less nonconforming condition which existed prior to the casualty or removal.

9.210 Casualty

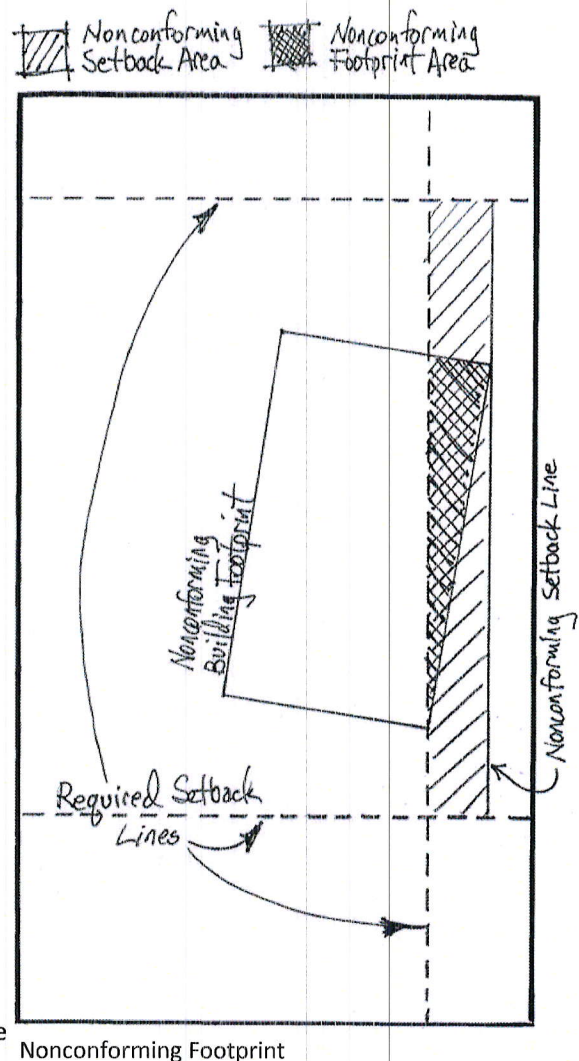
Damage which is caused by a sudden, unexpected or unusual occurrence such as a storm, flood, earthquake, fire, or explosion.

9.211 Nonconforming Setback Line

A line passing through the point of the nonconforming structure nearest the adjoining property line and drawn parallel to the property line or various courses of the property line and the minimum required setback line for the district and bounded by the intersecting minimum required setback lines. (See Nonconforming Footprint Diagram.)

9.212 Nonconforming Setback Area

The area established by a line passing through the point of the



nonconforming structure nearest the adjoining property line and drawn parallel to the property line or various courses of the property line and the minimum required setback line for the district and bounded by the intersecting minimum required setback lines. (See Nonconforming Footprint Diagram.)

9.213 Nonconforming Footprint Area

The area of a structure which lies within the nonconforming setback area and which violates the minimum required setback area. (See Nonconforming Footprint Diagram.)

☞ **ITEM 8 - Amend §9.800 to read as follows:**

9.800 RESTORATION AND RECONSTRUCTION

9.801 Applicability

If any nonconforming structure or use is damaged or destroyed to any extent by casualty or is demolished or removed to any extent by its owner, it may be restored or reconstructed to its preexisting condition of nonconformity in accord with this §9.800 and other applicable requirements.

908.2 Requirements

- A. Permits; Time Limit - The applicable permits for the restoration or reconstruction shall be required and the reconstruction shall be completed within eighteen (18) months of the date of the casualty, demolition or removal.
- B. Nonconformity - The nonconformity shall not be increased and no new nonconformity shall be created. (See §9.1000 for permitted alterations and expansions of nonconforming structures.)
- C. Change or Extension of Use - Such restoration or reconstruction shall be considered a conditional use if the restoration or reconstruction involves a change or extension of use as regulated by §9.600 and §9.700 of this Ordinance, respectively.
- D. Time Extension - The Zoning Officer may, for good cause shown by the owner, grant extensions of not more than one (1) year each for the restoration or reconstruction. Said extension shall only be considered upon written application for same submitted by the property owner.

☞ **ITEM 9 - Amend §9.1000 to read as follows:**

9.1000 ALTERATIONS AND EXPANSIONS OF NONCONFORMING STRUCTURES

9.1001 Alterations or Expansions

The alteration or expansion of nonconforming structures shall be permitted only in accord with this §9.1000

9.1002 Procedure - Permits

All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a conditional use if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §9.600 and §9.700, respectively.

9.1003 Nonconforming Setbacks

- A. Limit - A one-time alteration or expansion of a structure shall be permitted within the nonconforming setback

area provided the nonconforming footprint area is not increased by more than fifty (50) percent for residential structures and fifty (50) percent for nonresidential structures. [Example - If the nonconforming footprint area before an expansion is 200 square feet, the total footprint of the building in the nonconforming setback area cannot exceed 300 square feet after the expansion: $200 \text{ sf} + (50\% \times 200 \text{ sf}) = 200 \text{ sf} + 100 \text{ sf} = 300 \text{ sf}$.]

- B. Height - The height of any such residential or nonresidential alteration or expansion within the nonconforming setback area shall not exceed the lesser of the existing height of the nonconforming structure or the applicable district maximum height.

ITEM 10 - Add §9.1300 to read as follows:

9.1300 SURVEY

9.1301 Required in All Cases

In the case of any proposed reconstruction or any proposed alteration or expansion of a nonconforming structure, the Applicant shall provide a survey prepared by a Professional Land Surveyor showing the position of the existing nonconforming structure with the entire proposed structure superimposed over the position of the existing nonconforming structure in addition to all other information required by this Ordinance.

9.1302 Required by Township

A survey prepared by a Professional Land Surveyor may also be required by the Township in any case as necessary to determine compliance.

9.1303 Survey Information

In addition to the information required in §9.1301, the survey shall show all details required to determine compliance, including, but not limited to, existing and proposed improvements, existing and proposed building height, existing and proposed lot coverage, minimum required setback lines, nonconforming setback lines, nonconforming setback areas, and existing and proposed nonconforming footprint areas.

ITEM 11 - Replace §11.802A with the following:

- A. Applicability - The following shall be considered conditional uses:

1. The establishment of any new use listed as a conditional use in the Schedule of Uses for a specific District, including a change from one use to another.
2. Any use listed as a conditional use in the Schedule of Uses for a specific District which involves a cumulative increase (measured from the effective date of this provision) of more than 1,000 square feet of combined area of any:
 - a. additional land area devoted to the use exclusive of parking and loading areas required by §5.500 and required stormwater facilities; plus,
 - b. the total gross floor area of any new building or any addition to an existing building, each including principal and accessory buildings.
3. Changes and extensions to nonconforming uses governed by §9.600 and §9.700, respectively.

SEVERABILITY

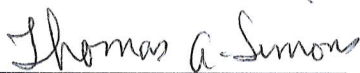
Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any parts thereof.

REPEALER

All other Ordinances or sections of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

ADOPTION


Be it Hereby Enacted and Ordained this 16 Day of FEB, 2016, by the Board of Supervisors of Palmyra Township, Pike County, Pennsylvania, to become effective immediately.



Thomas A, Simons, Chairman



Eric J. Ehrhardt, Vice-Chairman



Kenneth Coutts, Secretary

ATTEST:



Jo-Ann M. Rose, Administrator