

# Mount Joy Borough Planning Commission

## October 10, 2018 Minutes



The October 10, 2018, Planning Commission meeting was called to order at 7:00 PM, by Chairperson Wendy Melhorn. Commissioners Sweigart, Deering, Rebman and Gault were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs and the Borough Manager, Samuel Sulkosky were present. Brad Stewart Community Planner was also present.

### MINUTES

**On a motion by Sweigart and a second by Deering, the August 8, 2018, minutes were approved with corrections. *Motion carried 5-0.***

### PUBLIC COMMENT

Brad Stewart advised that the County Comprehensive Plan Places 2040 is going to the County Commissioners on October 24, 2018. Stewart also advised that the Short-Term Rental Guide is up for public comment and will be going to the County Planning Commission for review on October 22, 2018.

Ned Sterling, 13 W. Main Street, advised that he is not against the Commission approving the street vacation request for the Farmview Lane extension. Sterling advised the Commission that a small portion should remain for a pathway or a sidewalk connection from Farmview Lane to Donegal Springs Road. He advised that the Borough needs to think about connectivity.

Tim Bradley, 930 Wood Street, advised that he wanted to address the Planning Commission as it relates to Melhorn's email. He wanted to make sure he came to offer an apology. He advised that in August he specifically came to ask about process and more so because he is new to the process of how things work through the Planning Commission. He advised that Council is working on several issues concerning sidewalks and are trying to address it comprehensively. Bradley advised that when he came in and asked about process, Deering reached out and asked for comments Bradley felt comments coming directly from him would be circumventing the process on the Borough's side as well. He went to the Public Works Committee and had a conversation as well, and during that conversation, Bradley advised he expressed that he did not feel comfortable to be the one to provide comments. Bradley advised he did not want to provide comments and then miss out on comments from other individuals, and it is his experience in working in the Committee process that the Committees do something and then forward it up to Council. Bradley advised that now he understands that before it moves up to full Council it needs to go to the Planning Commission. Bradley advised it was unintentional and in no way was he trying to circumvent the Commission's input. He would not want to do that as there are qualified people on the Commission and the Borough values their input tremendously. He advised that he brought this up at the Public Works Committee and it is his understanding that comments will be provided to the Commission. Bradley advised that the comments will come from the Chairman of the Committee and he is there helping to work through the sidewalk process.

### UPDATES

The Planning Commission was provided a copy of the Zoning and Code Officer report by email.

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### OLD BUSINESS

The Commission was provided with answers to from Gibbs on the tiny homes' regulatory questions and answers. Gibbs advised if this is something the Commission would like to move forward with and start drafting definitions for and amending the ordinance to provide for accessory dwelling units and tiny homes, the Property Maintenance Code, Zoning Ordinance and other items would have also been amended. Gibbs advised such items as minimum size of dwellings which is currently at 500 square feet may have to be amended in the zoning ordinance. Gibbs advised that the 2015 International Building Code amended the code to allow for the tiny home industry. Gibbs advised that if the Planning Commission wants to move forward, she suggests the Commission recommend Council authorize staff and the Commission to continue to move forward on drafting amendments. Sulkosky advised that staff has not had any discussions with Council on tiny homes. Deering advised that Council would only discuss if the Commission made a recommendation and requested authorization.

Melhorn advised that her main question was how the Borough Authority would regulate in-law quarters. Rebman advised he is not sure. Gibbs advised the Authority had only a brief discussion at their last meeting. Rebman advised the Authority's concerns was that if everyone has one that is a double hook-up. Rebman advised that is more capacity the Authority must provide. Gibbs advised that if the ordinance is amended to only be allowed in certain districts would restrict it, and at least provide for tiny homes in some areas.

Gault advised that he believes the mobile home parks are all zoned commercial now. Gibbs advised that is correct that the mobile home parks are zoned Neighborhood Commercial. Gibbs advised that perhaps tiny homes are added to the table of permitted uses. Gault asked if tiny homes are subject to the law where you must provide for the use somewhere in the municipality. Stewart advised you want to specify regulations because you cannot use existing regulations to control it. Gault advised he knows that there are certain uses that are always controversial, and you need to provide for it somewhere. Gault advised we can have tiny house in the list of uses and under certain zoning districts. If the determination is we do not really want it anywhere, but we want to say we are providing for it, then we stick it out in the Light Industrial District. Melhorn advised there is an area on W. Main Street that contains tiny little trailers and it would be great for the owner to be able to remove them and replace with nice tiny homes.

Deering asked if we could identify the specific areas that we would allow them. Gault advise that if we want tiny homes to be in parks, like tiny home parks or mobile home parks, do we take existing requirements for mobile home parks that relates to parks of small dwelling units and then create another criterion that allows for tiny home as a type of unit that can go in those parks.

Gibbs referred to the regulatory questions and answers and provided the zoning districts that the current zoning ordinance allows for mobile/manufactured homes. Gault advised you can put a home on a lot pretty much anywhere, but if you are going to put in a park it is only allowed in certain zoning districts. Gibbs advised that mobile home parks are only allowed in the Medium Density Residential by Special Exception. The current mobile home parks are in the Neighborhood Commercial Zoning district. Gault advised right now we have several mobile home parks that are non-conforming. They can remain that use, or if they change the use they cannot go back to it. Gault advised one option would be we modify the regulations for mobile home parks to essentially where they are already existing allow tiny homes to be incorporated into them which would essentially extend the grandfather status to allow them to be replaced with tiny homes. Gault advised another

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option would be to make mobile home parks permitted in the Neighborhood Commercial district. Melhorn advised that would leave the whole Neighborhood Commercial district open to allow for them all over. Melhorn advised this would be a great opportunity for improvement in our mobile home parks. Gibbs advised this might be an incentive for the owners of mobile homes parks. Gibbs asked the commission if they want the ordinance to allow for the pulling in and out of tiny homes like a camper. Melhorn advised on Seller Lane would be a perfect place for folks to pull in and pull out. Melhorn advised that some are going to want to travel with them and some are going to want them fixed permanently.

Gault advised that it still sounds like we would take the existing mobile home park regulations and somehow promote converting those. Gibbs asked the commission if they want to allow for them on a lot with a single-family home. Gault asked if the commission wanted to look at allowing regulations for adding a tiny home on an existing lot as an accessory dwelling where there is an existing dwelling and allowing a tiny home as a principal dwelling on its own lot that already meets the requirements of the zoning ordinance. Gault advised if someone has a vacant lot somewhere and instead of building a regular house, do we want to allow someone to place a tiny home there. Deering advised that vacant lots that eventually will get sold will have a nice home built on them that would generate more tax revenue. Gault advised that if someone wants to take a lot and stick a 150 square foot lot on it he does not know why we would not allow that.

Gibbs advised that the regulatory information provided by the County includes some definitions municipalities could use. Gault thought tiny homes community would take the place of mobile home parks. Gibbs advised that the definition of tiny home community allows for the foundation and or/wheel tiny homes. Gibbs advised the commission needs to be clear if they want a mobile home park or a tiny home community because their definitions are different. Tiny home communities allow the foundation or wheels to remain. The current mobile home park requires the wheels to be removed and the homes be made permanent. Gault advised that the ones that are going into a community be allowed with no wheels. If they are going into a campground use, then they can have wheels.

Sweigart advised that beautiful tiny homes will have the same maintenance issues as other homes. Sweigart advised that down the road they may still have the same problems as it relates to deterioration. Gibbs advised they cannot just bring a tiny home in that is deteriorated and falling apart. Gibbs advised it must meet the building code and property maintenance code. Gibbs advised that she has an issue with the tiny homes being brought in for a couple weeks and being removed. Gibbs was thinking of the Borough only allowing it as a permanent home. Gibbs does not recommend the tow or apparatus requirement of being removed being changed to allow for that. Gibbs advised she heard there are concerns with the park that exists in Elizabethtown because of the transient nature of the use. Gibbs does not know if that is what the Borough wants or needs.

Gibbs advised the question to the Authority would then be if a tiny home is located on a lot with an existing principal dwelling they would have to have their own meter and own connection. Gault advised that he does not have a strong opinion on this topic one way or another. Deering advised it is his thought that by allowing tiny homes it would improve some of the mobile park areas. Gault advised it is a matter of taking the existing mobile home park language and changing it, so it allows the tiny home model. Melhorn advised that are we providing any area for them to go now or are we saying it is just for replacement. Melhorn advised we are not giving folks an option to place their tiny home anywhere. Gault advised that is what it comes down to. If we only allow tiny homes in mobile home parks and there are no open spots, then there are no open spots. Gault

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advised there would be the opportunity to create new mobile home parks in the Medium High-Density Residential district by Special Exception by the Zoning Hearing Board. Gibbs advised that the commission could place the accessory dwelling unit only allowed by Special Exception in all zoning districts. Sweigart advised that she does not like the mobile home idea. Sweigart advised that if we are saying some of the mobile home parks could use some improving, some of the tiny homes will also go through the same deterioration process. Gibbs referred to the County's tool they provided on tiny homes. Gibbs advised that allowing tiny homes in a community would not create a proliferation of them in a community. It is not a housing style most Americans could live in. When regulated correctly, they provide for affordable housing alternatives without public subsidies as infill development and/or high-density housing option. The County encourages municipalities to analyze and amend regulations to allow tiny homes in applicable zoning districts. The County advised that ignoring this growing housing type can lead to unregulated, and unaccounted for dwelling units that can become unregulated safety hazard to residents and pose a possible unnecessary burden on municipal services. The County further advised that accessory dwelling units are built for many reasons but the most typical has been for housing elderly family members or more recently for a second income.

**On a motion by Deering and a second by Rebman, the Planning Commission recommended Council authorize staff and the Planning Commission continue discussions and draft amendments to the Ordinance to allow for tiny homes.**

*Motion carried 3-2. Sweigart and Gault voted against the motion.*

### **NEW BUSINESS**

The Planning Commission was provided with documentation for a request to recommend approval of an ordinance for a Petition to Vacate a portion of an unopened street, known as the extension of Farmview Lane, as requested by Sandra R. Melhorn with her primary residence located at 40 Donegal Springs Road, Mount Joy. Melhorn also noted that no one was present on behalf of this request. Gibbs advised, for the record, that notification of the meeting was sent to the applicant's attorney by the Borough Solicitor. Gibbs further advised that she also sent Attorney Nuffort, a copy of the agenda via email. Gault advised that the Official Map calls for a street extension at this location. Gault advised it is on the map for a reason. Sulkosky advised that Council did see this Petition and it was rejected because all the criteria was not met. Gibbs advised, once the criteria for the Petition was met, Council agreed to accept the Petition, send notices and forward to the Planning Commission for recommendation. Rebman advised that the Lancaster County Planning Commission is not scheduled to review this Petition until October 22, 2018. Gibbs advised that was correct. Sweigart advised that it seems by the way the material reads that this was all but decided. Gault advised that the documents provided on the Orchards plan call for the street to be built and it was not built. Gault advised that he does not know why the developer did not follow through with what they were supposed to do. Gault advised that does not mean that is justification to abandon the street. Gibbs advised the Orchards plan shows a path and it has been made very clear that if the street is vacated, it does not relinquish other rights. Gibbs advised the path can still be built. Sterling asked who owns the path. Gibbs advised the Orchards would be responsible for the path. Gibbs advised she has met with them on site regarding the path. Gibbs advised it is a financial issue. Gault advised that a plan does not change a Deed in and of itself.

Gault asked when it got dedicated to the Borough. Gibbs advised it has not been dedicated. Gault asked how the Borough can vacate a street that has not been dedicated. Gibbs advised it is an unopened street. Gault advised that it is not a Borough right of way at this point. It is on a plan to be

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offered for dedication. Gibbs advised there is an easement shown on the plan. Gault advised that whomever owns it needs to offer it for dedication if the plan shows that. Gibbs advised the Borough Solicitor did not indicate if that needs to happen. Gibbs reminded the Commission that they recently recommend Council vacate an alley for Donsco and that was not dedicated to the Borough. Gibbs advised there are unopened streets and alleys throughout the Borough and they are not offered for dedication until they are constructed. Gibbs advised you can't dedicate a street if it is not constructed. Gault asked if the plan indicated they were required to build the street and if there was financial security posted. Gibbs advised the Orchards was not required to build it. Gibbs advised that it is shown on the plan that the Borough has the right to build this street if they should choose to. It was not necessarily part of the Orchards plan. Deering asked who would build it. Gibbs advised the Borough would build it. Gibbs advised the Borough has a right of way over the land to build Farmview Lane extension. The Orchards plan depicts a path-way through the land. Gibbs advised vacating this extension would not relinquish rights the Orchards has to build a path on the land, nor would a vacation of the street extension relinquish rights the property owners have to use the adjacent alley.

Melhorn advised that Lancaster County keeps building more and more homes and not enough streets to keep up with the homes. Melhorn advised there are more homes being built right now behind this location. Gibbs advised there are 18 townhomes plus two semi-detached homes and several garages being built on Martin Avenue. Melhorn advised that is going to be a lot of additional traffic impacting Martin Avenue. Gault advised that if the Borough does not build this street, the Borough will have to deal with the intersection of Route 772 and School Lane. Gault further advised that this street extension can provide an alternate route for all those people. Gault advised this is the reason this street extension is shown on the Official Map because there is a huge section of the Borough that is not connected for a ½ mile of Donegal Springs Road and violates the block length requirement of our Subdivision and Land Development Ordinance. Gibbs advised that Martin Avenue where the Farmview Development is currently underway is not going to be offered for dedication to the Borough and will remain private. Gibbs further advised that Martin Avenue is not going to be a through street and there is currently a chain and lock only to be accessed by emergency vehicles at the end of the road. Melhorn advised that she is in support of connectivity, and the abandonment of the Farmview Lane Street extension would not provide connectivity. Gault advised that regardless of when it happens, the extension is on the map because of the need. Gault advised he does not think the Borough should give that up.

**On a motion by Gault and a second by Sweigart, the Planning Commission recommended Council deny approval of an ordinance for a Petition to Vacate a portion of an unopened street, known as the extension of Farmview Lane. *Motion carried 4-0 with Melhorn abstaining.***

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**On a motion by Sweigart and a second by Rebman, the Planning Commission meeting of October 10, 2018, was adjourned. *Motion carried 5-0.***

Respectfully Submitted,

Stacie Gibbs, Zoning, Code and Planning Administrator