

**PALMER TOWNSHIP
REQUEST FOR ZONING AMENDMENT**

In accordance with Section 190-112 of the Palmer Township Zoning Ordinance, we, the undersigned and interested parties, hereby request your honorable body to make the following amendments to the zoning ordinance and/or zoning map.

In the case of a zoning text amendment, provide the section number of the ordinance which you are proposing to amend, along with the language that you would like to have added/subtracted/amended to the ordinance. (Additional pages may be provided if necessary.)

In the case of a zoning map amendment, the request is to rezone the property, identified by Tax Map parcel number(s) _____, from _____ zoning district to _____ zoning district. A legal description of the property to be rezoned must be included with this application, along with a map showing the proposed boundaries of the map change, the existing zoning of the land and adjacent land, and the current uses of adjacent lots.

The reason for this zoning amendment request is:

Explain why the proposed amendment would be in the best interest of Palmer Township.

Explain what affect the proposed amendment would have on any existing residential properties in the Township.

Explain what affect the proposed amendment would have on traffic in the Township.

Explain what affect the proposed amendment would have on public and water systems.

(Additional pages may be provided if necessary.)

Applicant

Name: _____
Address: _____
Phone #: _____
E-mail: _____
Signed: _____ Date: _____

Property Owner (if different than applicant)

Name: _____
Address: _____
Phone #: _____
E-mail: _____
Signed: _____ Date: _____

Send or deliver this petition to:

**Kent Baird, AICP
Director of Planning
Palmer
3 Weller Place
Palmer, PA 18045
TELEPHONE: (610) 253-7191
EMAIL: kbaird@palmertwp.com**

Officer fails to notify the applicant of all action taken in the manner and time limit set forth above, such application shall be considered approved as submitted.

- E. No zoning permit for erection, extension or alteration of any structure or portion thereof shall be valid for more than two (2) years from the date of issue unless work at the site is commenced within such period. No zoning permit for use of building or land shall be valid for more than two (2) years from the date of issue unless such use is established within the two (2) year period; provided, however, that where such use is dependent upon the erection, extension or alteration of a structure, the zoning permit shall continue in force if erection, extension or alteration is started within the two (2) year period and completed in an expeditious manner. Any erection, extension or alteration shall be completed within two (2) years of commencement.

§ 190-112. Zoning Ordinance Amendment Requests.

A. Purpose.

- 1. The purpose of the Zoning Ordinance is to protect the safety, capacity and efficiency of Palmer Township's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Comprehensive Plan.
- 2. Private requests to amend the Zoning Ordinance shall be evaluated on the basis of the projected benefits and/or detrimental effects to Palmer Township as a whole.

B. Rezoning application forms.

- 1. All Applicants submitting Zoning Ordinance amendment request applications shall be required to complete an application form available from the Township Zoning Officer and to prepare and submit an impact analysis and a community benefit summary report to demonstrate the compatibility of a rezoning proposal.
- 2. All Applicants shall pay an application fee, as well as a deposit, in accordance with the official fee schedule, to be held in escrow to cover the costs incurred with having the plan reviewed by the Township Planning Commission, the Township Engineer, and Board of Supervisors. In addition, if an applicant appeals from the decision of the Board of Supervisors, the applicant shall be responsible for paying for the costs of having a transcript of that hearing produced and the Township shall pay for the cost of having any copies made. (Fees to be set by resolution of the Board of Supervisors.)

C. Review of rezoning applications.

- 1. The Applicant shall meet with Township representatives for a pre-rezoning request review. The purpose of said review shall be to discuss the general intent of the proposed zoning amendment and outline the necessary components of the zoning amendment request application.
- 2. The Applicant shall have sixty (60) days from the date of the pre-zoning amendment request staff meeting review to file a zoning amendment request application.
- 3. The request for a zoning ordinance amendment may take place in conjunction with an application for land development. It is recommended to the Applicant that both applications be submitted concurrently.

4. The Planning Director shall review the zoning ordinance amendment request application in compliance with the following procedural guidelines:
 - a. Upon receipt of an application, the Planning Director will perform a desk check review of the package to determine the completeness of the application.
 - b. The Planning Director will provide the Applicant a letter within thirty (30) business days stating that the application has been submitted with all required information attached.
 - c. If the Planning Director finds the application to be incomplete or insufficient, the application will be returned to the Applicant.
 - d. Finding and facts report. When the rezoning application is found to be complete, the Planning Director, Township Staff or its designee shall prepare an evaluation assessment identifying concurrencies and/or differences and summarize this assessment in a report. This report shall identify the impacts and potential manners in which the resolution of issues could be addressed. The completed application package and report shall be forwarded to the Planning Commission for review.
5. As part of the rezoning approval process, the Planning Commission and Board of Supervisors shall consider the motivation and implications of each plan, analysis and report.
6. Palmer Township shall review the application in compliance with the following procedural guidelines:
 - a. If the rezoning proposal is found to be generally consistent with the Township's element of the Comprehensive Plan and the community development objectives of the Zoning Ordinance, the Planning Commission shall consider the findings reported as part of the Applicant's impact analysis to determine any projected beneficial and/or detrimental effects on Palmer Township. The Planning Commission may host a hearing on the application if they deem it applicable.
 - b. The rezoning proposal shall be reviewed through the context of the Lehigh Valley Planning Commission's rezoning guidelines to ensure that the proposed zoning ordinance amendment conforms to the requirements
 - c. Based on these analyses, the Planning Commission shall submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed zoning ordinance amendment is in accordance with the objectives of the Comprehensive Plan.
7. The final recommendation of the Planning Commission shall be forwarded to the Board of Supervisors.
8. Upon receipt of the Planning Commission's final recommendations, the Board of Supervisors shall review the application. In its sole discretion, the Board of Supervisors may elect to send the proposed zoning ordinance amendment, with any proposed revisions, to the County Planning Agency and the Palmer Township Planning Commission. Following a minimum thirty-day review period for both agencies, the Board of Supervisors may, in its sole discretion,

determine whether to advertise the proposed zoning ordinance amendment for a public hearing consistent with the terms of the Municipalities Planning Code.

9. The Township shall make the decision for approval or denial of the requested rezoning within eighty (80) days of receipt of a completed rezoning application, which includes the impact analysis, unless extended by the applicant. Approval cannot be based on a contingency or condition of resolving potential negative impacts. If no decision is made by the Township after this time period, then the application will be deemed denied.
10. At any time, an Applicant may request an extension of time or removal of an application from Township consideration.
11. See also §609 of the Pennsylvania Municipalities Planning Code, relating to Enactment of Zoning Ordinance Amendments.

D. Application criteria.

1. Application requirements. The plans and reports that a landowner and/or developer are to submit shall include:
 - a. Conceptual site development plan, if proposed for development.
 - b. Topographic survey.
 - c. Site conditions report.
 - d. Existing zoning of surrounding parcels and closest adjacency of zoning district identical to request.
 - e. Classifications of existing roadways/streets adjacent to and within three hundred (300) feet of the perimeter of the proposed site.
 - f. The percentage of proposed dwelling units and any associated limitations that are specific to a particular segment of potential residential demographics/socioeconomics.
 - g. Impact analysis.
 - h. Community benefit summary report.

E. Impact analysis.

1. As part of the proposed zoning amendment application, the Applicant shall prepare and submit an impact analysis to identify the benefits and detrimental effects of the proposed rezoning application.
2. Impact analysis requirements. The following outlines the information that is required as part of the rezoning application. Information shall be presented as a comparison of the impacts that are created by the existing zoning district and the proposed rezoning classification. In all instances, the land use permitted in the proposed zoning classification that creates the greatest impact shall be utilized in the comparison analysis. Required information includes:

- a. Off-street parking requirements.
- b. Density/floor-area ratio.
- c. Maximum building height.
- d. Geotechnical/stormwater run-off analysis (associated with impervious surface).
- e. Traffic (average daily trips and peak hour demand for both weekday and weekends based on conceptual site development plan).
- f. Fiscal impact analysis projecting tax rate changes associated with the Township, the County and the School District.
- g. Student impact analysis projecting potential increase to school district population because of proposed rezoning.
- h. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
- i. Estimated impacts to safety services (police department services, fire department services) based on proposed infrastructure (roadways) expansion.
- j. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
- k. Depending upon the location of lot access, infrastructure service/demands and impacts identified on adjoining lots, the Board of Supervisors may require a landowner and/or developer to prepare other potential related studies.
- l. Within the impact analysis, the Application shall identify impacts that need mitigation but does not need to propose remedy/resolution for identified impacts.

F. Community benefit summary report.

1. The Applicant shall demonstrate with the impact analysis described in Subsection E and with an additional summary report that the majority of uses within the proposed rezoned district will provide benefits to the community greater than that of uses permitted under the current zoning designation, by meeting two or more of the following criteria:
 - a. Improved access management.
 - b. Fewer average daily trips and peak hour demands.
 - c. Fewer impacts to public safety services.
 - d. Lower demands on the sanitary sewer and potable water system.
 - e. Less potential increase in the school district population.
 - f. Reduction of parking requirements.
 - g. Potential reduction of impervious surface area.

- h. Fewer impacts related to noise, vibration, and night-time lighting.
 - i. Pursuit or achievement of LEED (Leadership in Energy and Environmental Design) certification or equivalent criteria for building construction and site development.
- G. Additional information. Township representatives reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

§ 190-113. Occupancy permits.

Upon completion of the erection, extension or alteration of a structure or the establishment of the use for which a zoning permit was issued, the applicant shall request a final inspection. The structure for which the zoning permit was issued may not be occupied or otherwise used until a final inspection has been completed by the Zoning Officer.

- A. Within ten (10) days of request for final inspection, the Zoning Officer shall inspect the premises to determine if the action taken complies with the regulations of this Chapter. If it does, the Zoning Officer shall sign the building permit card or sign off on the project within the ten (10)-day time limitation.
- B. If the action fails to comply with the regulations of this Chapter, the Zoning Officer shall notify the applicant, in writing, of the reason for not signing the permit card or signing off on the project and shall state the provisions of this Chapter with which the action does not comply. The applicant may correct the defects cited in the denial of the Zoning Officer for final approval. If, upon notification by the applicant and inspection of the premises, the Zoning Officer finds that the defects have been corrected and that no additional defects have been created, final approval shall be immediately permitted.
- C. Temporary Occupancy. Temporary occupancy may be granted in the manner prescribed above, pending the completion of a structure to allow for partial occupancy; issuance of said temporary occupancy shall be at the discretion of the Zoning Officer. In the event that a temporary occupancy permit is issued, the applicant shall provide financial security (which may be an irrevocable letter of credit with a Federal or Commonwealth chartered lending institution, a restrictive escrow account in such lending institution, or a personal bond; the nature of which shall be at the discretion of the Zoning Officer) in an amount sufficient to guarantee the completion of the improvements within the prescribed time period and in an amount as set by the Zoning Officer. The permit shall be valid only until such time as the action for which the zoning permit was issued is complete, or for a period of six (6) months after issuance, whichever is less. Upon expiration of the temporary occupancy permission, the applicant shall apply for permanent occupancy or, if the action remains incomplete, may apply for one additional temporary occupancy. If granted, temporary occupancy shall be for a period of time determined by the Zoning Officer but shall be for no more than six (6) months after issuance.
- D. Prior to occupancy of a building, other than an owner-occupied single or two-family dwelling, an emergency contact card shall be completed for the police department.

§ 190-114. Violations and penalties.

Failure to comply with any provisions of this Chapter shall be a violation of this Chapter.

- A. Complaints regarding violations. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a complaint to the Zoning Officer stating fully the causes and basis