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June 18, 2020

East Lampeter Twp. Bd. of Supervisors
Attn: Tara Hitchens
2250 Old Philadelphia Pike
Lancaster, PA 17602

VIA EMAIL

Re: Amended Petition to Amend East Lampeter Township Zoning Ordinance

Dear Tara:

I attach a copy of the Amended Petition to Amend East Lampeter Township Zoning Ordinance. The edited draft Ordinance has been attached to the Petition as Exhibit C. Otherwise, the Petition has remained unaltered. I understand that the edited draft Ordinance will be a discussion item at the Planning Commission's meeting on July 14, 2020.

Please confirm your receipt and the date and time of the Planning Commission meeting. I further understand that the public hearing will be advertised for 5:00p.m. on July 20, 2020. Thank you for your anticipated cooperation.

With kind regards,

Sincerely,

McNEES WALLACE & NURICK LLC

By

A handwritten signature in black ink that reads 'Mark Stanley' in a cursive script.

Mark Stanley

MS/A7551773

Attachment

cc: Isaac D. Massry
Chris Venarchick, RLA
Claudia N. Shank, Esquire

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**BEFORE THE EAST LAMPETER TOWNSHIP BOARD OF SUPERVISORS
LANCASTER COUNTY, PENNSYLVANIA**

**AMENDED PETITION TO AMEND THE
EAST LAMPETER TOWNSHIP ZONING ORDINANCE**

Pursuant to Article 25, Section 25090 of the Zoning Ordinance of East Lampeter Township, Ordinance 323, adopted May 16, 2016, as amended (the “Zoning Ordinance”), Petitioner, Rockvale Acquisitions, LLC (“Petitioner”), by and through its counsel, McNees Wallace & Nurick LLC, respectfully petitions the Board of Supervisors of East Lampeter Township (the “Board”) to amend the text of the Zoning Ordinance as hereinafter set forth. In support thereof, Petitioner avers the following:

1. Petitioner is a Delaware limited liability company with an address of 1209 Orange Street, Wilmington, Delaware 19801.
2. Petitioner is record owner of the following eight tracts of land containing approximately 63 acres located south of Lincoln Highway in East Lampeter Township (the “Township”), Lancaster County, Pennsylvania: (i) a \pm 29.2-acre tract identified as Lancaster County Tax Parcel ID No. 310-87946-0-0000; (ii) a \pm 1.43-acre tract identified as Lancaster County Tax Parcel ID No. 310-53164-0-0000; (iii) a \pm 6.8-acre tract identified as Lancaster County Tax Parcel ID No. 310-01828-0-0000; (iv) a \pm 1.79-acre tract identified as Lancaster County Tax Parcel ID No. 310-11946-0-0000 (v) a \pm 0.65-acre tract identified as Lancaster County Tax Parcel ID No. 310-22548-0-0000; (vi) a \pm 1.29-acre tract identified as Lancaster County Tax Parcel ID No. 310-07460-0-0000; (vii) a \pm 3.1-acre tract identified as Lancaster County Tax Parcel ID No. 310-74269-0-0000; and (viii) a \pm 18.4-acre tract identified as Lancaster County Tax Parcel ID No. 310-21531-0-0000 (collectively, the “Property”). An aerial map depicting the Property, which is located in the Township’s Regional Commercial (C-3) Zone (the “C-3 Zone”), is enclosed herewith as Exhibit A.
3. The Property is improved with the Shops @ Rockvale, an outlet shopping center with variety of retail and restaurant uses (the “Shopping Center”). The Shopping Center is situated just over a mile east of Tanger Outlets.
4. Over the past two decades, universal trends toward online shopping have made it increasingly difficult for brick-and-mortar retail facilities to sustain profitable operations. These trends are expected to continue with an estimated 7% of all retail stores nationwide closing by 2026.¹
5. Based on these trends, Petitioners are presently unable to find or maintain tenants for the vacant stores located in the Shopping Center. This issue is exacerbated by the Shopping Center’s close proximity to Tanger Outlets. Currently, the Shopping Center operates only approximately 45 stores, a decrease from 86 stores in 2010, and from 120 stores at the

¹ “Retail Downsizing Will Accelerate, With UBS Predicting 75,000 Stores Will Be Forced To Close By 2026,” *Forbes.com*, Pamela N. Danziger, April 10, 2019, <https://www.forbes.com/sites/pamdanziger/2019/04/10/retail-downsizing-will-accelerate-as-75000-stores-will-be-forced-to-close-by-2026/#6c6790e4339e>

Shopping Center's peak. Lancaster Newspaper has written numerous articles on the issues currently facing the Shopping Center, two of which are attached hereto as Exhibit B.

6. To facilitate productive use of the Property, Petitioner desires to comprehensively redevelop the Property as a mixed-use development including commercial, retail, restaurant, and multi-family uses (the "Proposed Redevelopment").
7. While certain components of the Proposed Redevelopment are currently permitted on the Property, use restrictions in the C-3 Zone limit Petitioner's ability to redevelop the tract with a mix of both residential and commercial uses. Accordingly, to facilitate the Proposed Redevelopment, Petitioner desires to amend the Zoning Ordinance to establish a "Commercial Redevelopment Overlay District" which would apply to qualifying underutilized shopping centers within the C-3 Zone (the "Proposed Overlay Zone").
8. The Proposed Overlay Zone would allow qualifying properties, including the Shopping Center, to operate by right certain uses in addition to those already permitted in the C-3 Zone, including offices, day care facilities, grocery stores, financial institutions, and multi-family residential dwellings (i.e., apartments and townhomes). By permitting these additional uses by right, the Township will create flexibility that will allow developers to quickly respond to market and community demands.
9. Petitioner believes, and therefore avers, that the requested amendment is consistent with the intent of the Zoning Ordinance for the following reasons:
 - a. The purpose and community development objectives of the Zoning Ordinance are, in pertinent part, "[t]o sustain and improve the quality of life within the community," "[t]o accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses," and [t]o encourage and provide opportunities for commercial and industrial growth and development by considering environmental limitations, existing land uses, infrastructure, and the rural characteristics". *Section 1020*.
 - b. The Proposed Overlay Zone will apply only to properties improved with qualifying underutilized shopping centers. As such, the requested amendment promotes the redevelopment and reuse of existing buildings. By allowing flexible, mixed-use development on such properties, the Proposed Overlay Zone facilitates reasonable population and employment growth and promotes redevelopment that accommodates the specific needs and demands of Township citizens.
 - c. Section 10010 of the Zoning Ordinance sets forth the purpose of the C-3 Zone, which is, in relevant part "[t]o provide areas for large-scale commercial uses that are destination-type attractions for local residents as well as visitors throughout the region and beyond," and "[t]o establish areas for large-scale commercial uses

that will provide them with sufficient visibility to enable their long-term viability...” (Emphasis added.)

- d. Petitioner is proposing to revitalize the Shopping Center and the Property as a mixed-use development which incorporates and promotes the fundamental characteristics of the C-3 Zone with commercial and residential uses
 - e. Applicants who desire to utilize the Proposed Overlay Zone are required to submit a master plan to the Township Planning Commission and Board of Supervisors prior to submission of any land development plans. This requirement gives Township officials the ability to view a concept plan during the early planning stages and to make comments and suggestions accordingly.
10. Petitioner believes, and therefore avers, that the requested amendment is consistent with the intent of the Conestoga Valley Region Strategic Comprehensive Plan, enacted in 2003 (the “Comprehensive Plan”), for the following reasons:
- a. The Comprehensive Plan emphasizes the need for “growth management,” and promotes a mix of housing types available in the region “to provide price and style choices for the community.” *Page 3*.
 - b. The Proposed Overlay Zone is consistent with the Comprehensive Plan’s outlook for growth management in the region. By facilitating the redevelopment of existing infrastructure with a mixture of compatible uses, including multi-family residential uses, the Proposed Overlay Zone will help to create additional housing options within the Township.
11. Petitioner believes, and therefore avers, that the requested amendment is consistent with Places 2040, a Plan for Lancaster County, adopted October 10, 2018 (“Places2040”) for the following reasons:
- a. Places2040 emphasizes the need to “[u]se existing buildings and maintain public infrastructure.” Specifically, Places2040 calls on municipalities to “[m]aintain, rehabilitate, and reuse existing buildings, not only because it’s more sustainable, but because it protects community character.” *Page 45*. Further, Places2040 encourages local authorities to incentivize redevelopment and to promote an increase in mixed-use development and availability of housing options throughout the County. *Pages 19, 30, 49, 54*.
 - b. The Proposed Redevelopment is precisely the type of project encouraged in Places2040. By rehabilitating the Shopping Center and the Property, Petitioner will protect the character of the community and facilitate sustainability in the Township.
12. Petitioner believes, and therefore avers, that the requested amendment is consistent with the health, safety, morals and general welfare of the citizens of the Township. In addition to those uses already available in the C-3 Zone, the Proposed Overlay Zone permits by

right certain additional uses on qualifying properties. The use-by-right component of the Proposed Overlay Zone is essential as it will allow developers to quickly respond to market and community demands without engaging in a prolonged approval process.

13. A proposed ordinance amending the Zoning Ordinance as outlined herein is enclosed herewith and incorporated herein as Exhibit C (the "Proposed Ordinance")

WHEREFORE, Petitioner respectfully requests that the Proposed Ordinance be adopted as set forth in this Amended Petition.

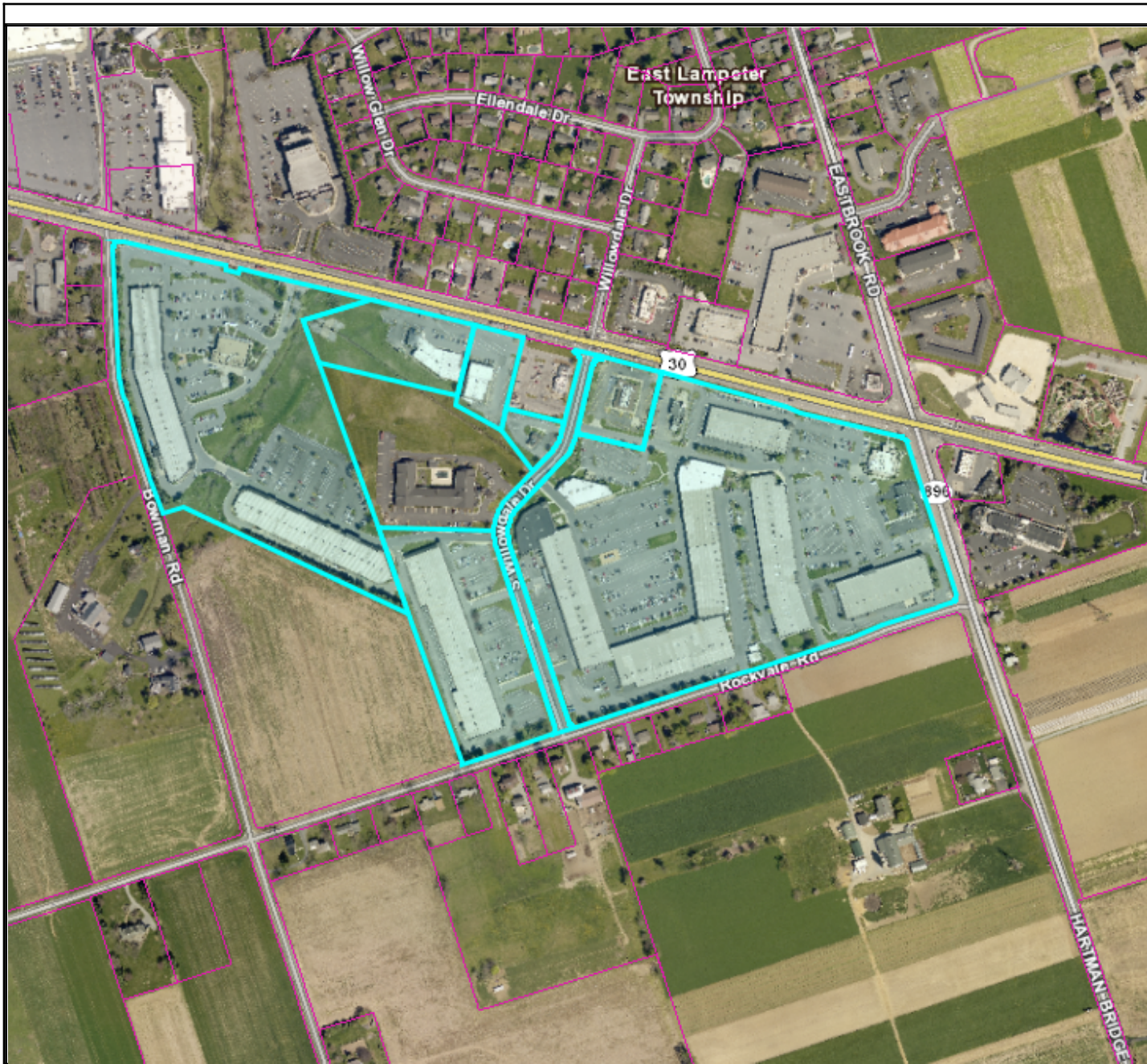
Respectfully submitted,

McNees Wallace & Nurick, LLC
Attorneys for Petitioner

Date: June 18, 2020

By: Mark Stanley
Mark Stanley, Esquire

EXHIBIT A



LanCo View Map Features

- Parcel Boundary
- School District Boundary
- Interstate
- US Route
- PA Route
- Minor Road
- Road Surface
- Parking Lots / Drives
- Railroads
- 10' Index Contour
- 2' Intermediate Contour
- Stream
- Water Body
- Building
- Park
- Forested
- Agricultural
- Borough or City
- Township
- County Boundary



Scale 1:6,000 | 1 in = 500 ft
Date Created: 15-Apr-20

Source: Lancaster County GIS, Copyright (c) 2019. This map to be used for reference or illustrative purposes only. This map is not a legally recorded plan, survey, or engineering schematic and it is not intended to be used as such. For complete disclaimer see: co.lancaster.pa.us/gisdisclaimer

EXHIBIT B

https://lancasteronline.com/business/local_business/rocky-times-at-rockvale-shopping-center-losing-3-more-stores-to-tanger-struggles-have-ripple/article_5b2a9616-3ecb-11ea-b8e2-73db4cbc7401.html

Rocky times at Rockvale: Shopping center losing 3 more stores to Tanger; struggles have ripple effects



CHAD UMBLE | Staff Writer and TIM MEKEEL | Staff Writer

Jan 27, 2020



Shoppers walk past vacant stores at The Shops at Rockvale.

BLAINE SHAHAN | Staff Photographer

Last week, Michelle Sweigart did something she says she rarely does anymore.

She visited The Shops at Rockvale.

“I was at Rockvale, but Tanger is typically where I come,” said the 48-year-old Gap resident. “(Tanger has) all the name-brand stores, and that’s the difference.”

During her Martin Luther King Jr. Day shopping trip, Sweigart looked for petite-size clothes at The Loft in Rockvale but wound up back at Tanger, where she says her kids prefer to shop.



LOCAL BUSINESS

Rockvale's sale to New Jersey firm completed for \$30M



TIM MEKEEL | Staff Writer

“I feel for (Rockvale) because it’s a nice complex,” she said. “I remember when Rockvale started, and there’s not as many stores there anymore. I hope they can keep it going.”

Begun in 1986 with 11 stores as Rockvale Square Outlet, the Route 30 shopping center in East Lampeter Township eventually had more than 120 stores, becoming the reason many tourists added “shopping” to their Amish country itinerary.

But in recent years, vacancies have been mounting at the 65-acre center. Ten years ago the store count was at 86 before dropping to 72 by 2015. Today, there are 45 stores, with three more imminent closures.

For the remaining tenants, as well as shoppers, newly demolished stores and rows of empty storefronts leave an uncertain future for the shopping center that was once the largest strip outlet mall in America.

“Unless we get some people to fill in those big huge spaces ... it’ll be difficult for us to stay,” said Karen Pearson, owner of Fan Cave, a sports clothing and memorabilia store that has a location in Rockvale.

“We’re going to take it year by year. We don’t have any plans to leave, but I’m very realistic as well,” she said. “I understand that if the mall dies out, then so will we.”

Rockvale vs. Tanger

The well-documented struggles of retailers coping with the rise of online shopping can explain some of the exodus from Rockvale.

But another recent problem has been stores decamping for nearby Tanger Outlets, a mile to the west that has the leverage and resources of a publicly owned company with 44 shopping centers.

For example, when Tanger unveiled a major expansion in August 2017, four of its new stores came from Rockvale, including Haggar and Under Armour.

And, earlier this month, Tanger announced that an ongoing renovation would accommodate Pottery Barn and West Elm, which would both be moving from Rockvale.

At Tanger, tenants have the advantage of being near national retailers such as Michael Kors, Coach and Nike in a center where shoppers can park once and easily walk to all the stores in a compact area.

“There’s no comparison. Tanger is just so much better,” said Jack Texter, owner of Lancaster Harley-Davidson, which previously had a clothing store at Rockvale but has since moved to Tanger.

“If you’re coming to Lancaster for whatever reason, and you’re going to outlets, you’re going to go where every major brand is available. That’s no longer true at Rockvale,” Texter said.

Texter, who said Tanger’s greater volume of customer traffic makes its higher rent worthwhile, is skeptical about Rockvale’s previously announced plan to attract people with a park.

New owner of Rockvale Outlets changing its name, look, amenities to broaden appeal

“If you want to bring in on the weekend — like Tanger does sometimes — 30 buses or more, you’re going to have to have more than a place to sit there and watch the cars go by,” he said.

Pearson, the Fan Cave owner, remains hopeful about the possible redevelopment of what remains the second-largest shopping center (as measured by square footage) in Lancaster County, behind only Park City Center.

“Maybe Tanger will become the outlet shops, and they’ll be more big names, and Rockvale could be more of a township center, maybe more mom and pop, smaller stores,” she said.

What's next?

The future of Rockvale will be decided by a New Jersey company that specializes in turning around troubled malls.

In December 2017, Wharton Realty Group bought Rockvale for \$30 million in an auction after previous owners defaulted on their mortgage.

In June 2018, the firm announced plans that included a new name — The Shops at Rockvale — as well as plans for a park in the center (replacing some empty stores) and new facades, roofs and signs.

While some facades have been improved and a section of stores has been torn down where the new park was envisioned, there's little other indication of a planned revival at the center that will soon lose Pottery Barn, West Elm and Five Below.



Pottery Barn Outlet to move from Rockvale to Tanger

It's unclear how Rockvale owner Wharton Realty Group intends to respond to the ongoing exodus of tenants.

Isaac Massry, Wharton vice president and spokesman, did not respond to LNP | LancasterOnline's messages seeking comment. Nor did Rockvale's general manager, Kristi Burkholder.

But Rockvale's former general manager, David Ober, believes the center will change its focus from serving tourists to serving residents.

"I've been hearing that they're coming pretty soon with some good plans. They're trying. They're making efforts to take it to a new direction," he said.

"It's a great opportunity to take a look at what's missing on that side of the county and ask, 'Can we meet those needs?' Think about it. On that side of town, there's isn't a movie theater. There's limited health care," Ober added.

"Long term, for residents of that area, it's going to be a great thing."

Rockvale is zoned C-3 (regional commercial). That allows theaters, bowling alleys, golf courses, amusement arcades, grocery stores and many other uses by right, the township zoning ordinance says.

Campgrounds are among the uses allowed by special exception; amusement parks, convention centers, gaming facilities and other uses are allowed as conditional uses.

Wharton has not asked the township for any special exceptions, conditional uses or zoning changes for Rockvale, East Lampeter Township Manager Ralph Hutchison said.

Ripple effects

Ober said he wishes township officials would look at the financial consequences of proposed commercial development before deciding whether to approve it.

Case in point, in Ober's view, was East Lampeter Township's 2015 approval of Tanger's latest expansion, which was subsequently filled in part by Rockvale tenants.

"When the township decided to allow Tanger to expand, they never asked the real question: How many of your tenants are you going to get from Rockvale, or are they going to be new to the market?

"And that question needs to be asked with every new commercial development across Lancaster County. What percentage of those tenants are new to the county? Or are you just (creating a) vacancy (somewhere else)?"

The bottom line, Ober believes, is this:

“Is it beneficial for Lancaster County, which at one point had two pretty full (outlet) centers, to now have one full center and one empty center?”

However, when municipal officials weigh whether to approve the development of a new building, state law does not allow them to take into account its impact on its competitors, unlike its impact on things such as traffic and stormwater runoff.

Ober, who left Rockvale in 2017, some months before Wharton took over, noted that when shopping centers such as Rockvale falter, it puts a heavier tax burden on other property owners, mostly homeowners.

“Anytime a shopping center is vacated, its value drops. Therefore, less real estate tax is generated. The number one thing that tax pays for is education. So the cost of education shifts to residential property owners,” he said.

Rockvale is exhibit A of that cause and effect, Ober said.

Wharton won an appeal of its 2018 assessment, getting a 53% reduction that trimmed its township tax bill by \$59,000, county tax bill by \$98,000 and school district tax bill by a whopping \$451,000.

The school district, Conestoga Valley, raised its property tax rate by 3.55% for that tax year partly in response to the Rockvale case, Conestoga Valley spokeswoman Kendal Gapinski said.

Gapinski, though, emphasized that the Rockvale case was not the main reason for the tax hike. Other factors included rising special education costs, pension contributions, capital projects and other tax-assessment appeals, she said.

Ironically, decades earlier, when Rockvale was in its glory days and expanding frequently, some of its new space was filled by stores such as Reading China & Glass, which left Tanger predecessor Lancaster Outlet City, LNP | LancasterOnline files show.

Leaving Rockvale

Since 2015, 35 stores have closed at The Shops at Rockvale and 10 have opened. Seven of the stores that closed are now at Tanger Outlets Lancaster.

CLOSED

Bass Outlet

BonWorth

Bose

Bulova

Casual Male XL

Crazy 8

Deb

Del Sol

Dollie & Me

Dress Barn

Easy Spirit

Go Calendar and Games

Gold Toe

Gymboree

Haggar*

Hartstrings

Izod

Jones New York

Kasper

Kitchen Collection

Leather Outlet

Levis*

Merrell*

National Furniture Outlet

New Balance*

Payless

Pendleton

Perfumania

Samsonite*

Steel City Sports

Strasburg Station

Stride Rite

Uniform Outlet*

Uncle Leroy

Under Armour*

** Now at Tanger*

OPENED

CBD American Shaman

Cigar, Cigars

Cricket Wireless

Direct Tools Factory Outlet

Factory Direct Mattress & Sofa

Generations of Furniture

Perfume Unlimited and Cologne

Rainbow

Rawlings

Switch VR

Rockvale Timeline

1986: Opens under local ownership with 11 stores at a cost of \$12 million.

1988: Announces \$16.1 million expansion to add 42 stores.

1991: Unveils \$15 million expansion to add 40 stores.

1994: Completes \$13 million addition to bring aboard 17 stores.

2004: Montgomery County investors buy property, now with 120 stores.

2017: Defaults on mortgage.

2017: Sold at auction to Wharton Realty of Eatonville, New Jersey, for \$30 million.

2018: Unveils \$3 million to \$4 million in upgrades.

2019: Store count slides to 45, lowest count since 1980s.

Source: LNP | LancasterOnline archives.



Here are the stores that have opened and closed at the Shops @ Rockvale since 2015



Retail changes: What stores opened and closed in Lancaster County in Jan. 2020?

https://lancasteronline.com/business/here-are-the-stores-that-have-opened-and-closed-at-the-shops-rockvale-since-2015/article_7b78b86e-4117-11ea-8f70-0fb088e1474e.html

Here are the stores that have opened and closed at the Shops @ Rockvale since 2015



CHAD UMBLE | Staff Writer

Jan 28, 2020



Shoppers walk between stores at Tanger outlets Monday, Jan. 20, 2020.

BLAINE SHAHAN | Staff Photographer

Since 2015, 35 stores have closed at The Shops at Rockvale and 10 have opened.

Seven of the stores that closed are now at Tanger Outlets Lancaster.



Rocky times at Rockvale: Shopping center losing 3 more stores to Tanger; struggles have ripple effects

Here are the stores that have closed at the Shops @ Rockvale

- Bass Outlet
- BonWorth
- Bose
- Bulova
- Casual Male XL
- Crazy 8
- Deb
- Del Sol

- Dollie & Me
- Dress Barn
- Easy Spirit
- Go Calendar and Games
- Gold Toe
- Gymboree
- Haggar*
- Hartstrings
- Izod
- Jones New York
- Kasper
- Kitchen Collection
- Leather Outlet
- Levis*
- Merrell*
- National Furniture Outlet
- New Balance*
- Payless
- Pendleton
- Perfumania
- Samsonite*
- Steel City Sports
- Strasburg Station
- Stride Rite
- Uniform Outlet*

- Uncle Leroy
- Under Armour*

** Now at Tanger*

 **Pottery Barn Outlet to move from Rockvale to Tanger**

 **Cigar shop moves to The Shops at Rockvale**

 **Bass Outlet closing Saturday at Rockvale; store first opened in 1988 at Route 30 outlet center**

Here are the stores that have opened at the Shops at Rockvale

- CBD American Shaman
- Cigar, Cigars
- Cricket Wireless
- Direct Tools Factory Outlet
- Factory Direct Mattress & Sofa
- Generations of Furniture
- Perfume Unlimited and Cologne
- Rainbow
- Rawlings
- Switch VR

 **Ruby Tuesday closes restaurant in the Shops at Rockvale**

 **Five Below opening store along Route 30 at Mill Creek Square; Rockvale store to close in February**

EXHIBIT C

TOWNSHIP OF EAST LAMPETER

Lancaster County, Pennsylvania

ORDINANCE NO.____

AN ORDINANCE TO AMEND THE EAST LAMPETER TOWNSHIP ZONING ORDINANCE OF 2016, AS AMENDED, TO ADD ARTICLE 21, SECTION 21060, CREATING THE COMMERCIAL REDEVELOPMENT OVERLAY DISTRICT.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, as follows:

Section 1. The East Lampeter Township Zoning Ordinance of 2016, as amended, Article 1, Section 1070(B) is hereby amended to add the following to the list of established Overlay Districts:

Commercial Redevelopment Overlay District

Section 2. The East Lampeter Township Zoning Ordinance of 2016, as amended, Article 10, Section 10020(D) is hereby amended to add the following as Article 21, Section 21060:

Section 21060: Commercial Redevelopment Overlay District

A. Purpose: The Commercial Redevelopment Overlay District shall be an overlay to the underlying Regional Commercial (C-3) Zoning District of East Lampeter Township. The purpose of the Commercial Redevelopment Overlay District is outlined as follows:

1. To acknowledge the trend of businesses downsizing physical retail locations, resulting in an increased number of vacant retail spaces.
2. To accommodate the continued evolution of the retail sales industry.
3. To encourage innovation and to promote flexibility, economy and ingenuity in the redevelopment of vacant or partially vacant retail spaces.
4. To initiate a process of public and technical review prior to the redevelopment of vacant or partially vacant retail spaces.
5. To implement the goals, objectives and recommendations of the Comprehensive Plan.
6. To promote and facilitate general adherence to the Township's Route 30 Streetscape Plan.

B. Application: The provisions of the Commercial Redevelopment Overlay District are intended to establish an overlay zone which is applicable to qualifying Underutilized Shopping Centers, as hereinafter defined, within the C-3 Zoning District. To the extent that the provisions of this section are more specific, they shall supersede conflicting provisions within other sections of this Zoning Ordinance and all other ordinances of East Lampeter Township. However, all other provisions of this Zoning Ordinance, including the General Regulations contained in Article 22, and all other ordinances of East Lampeter Township shall remain in full force and effect.

C. Underutilized Shopping Center: For purposes of this Section, an underutilized shopping center shall be defined as a shopping center (regardless of whether it qualifies as a regional impact development) which meets the following requirements:

1. Contains a minimum of 50 acres, which may be comprised of more than one Lot, provided that the Lots are adjoining, were developed comprehensively, and are under single ownership (the "Development Tract"). Notwithstanding the foregoing, separately owned Lots that were developed as a part of the Underutilized Shopping Center may be included in the Development Tract provided that the current owners of such Lots consent to the inclusion of the Lots in the Master Plan (as detailed in Section 21060(H)), or provided that the Lots are connected to the remainder of the Development Tract by way of joint easements or shared access drives.
2. Has frontage along S.R. 30; and
3. In which at least 35% of the gross retail sales area has been vacant for a minimum of six months within the past year, which the applicant shall demonstrate.

D. Permitted Uses

1. In addition to the uses permitted currently permitted by right, special exception, or conditional use within the C-3 Zoning District, and subject to the Master Development Plan requirement set forth in Section 21060(H) below, the following uses shall be permitted by right within the Commercial Redevelopment Overlay District:
 - a. Convenience store, subject to the provisions specified under Section 23200 of this Zoning Ordinance.
 - b. Day care facility as a principal or accessory commercial use, subject to the provisions specified under Section 23220 of this Zoning Ordinance.
 - c. Dry cleaner and/or laundromat, subject to the provisions specified under Section 23230 of this Zoning Ordinance.
 - d. Financial institution containing a maximum of two (2) drive-through service lanes, subject to the provisions specified under Section 23280 of this Zoning Ordinance.

- e. Grocery store as a principal or accessory use, subject to the provisions specified under Section 23340 of this Zoning Ordinance.
- f. Library, subject to the provisions specified under Section 23430 of this Zoning Ordinance.
- g. Medical, dental, vision care and/or counseling clinic, subject to the provisions specified under Section 23470 of this Zoning Ordinance.
- h. Multi-family dwellings containing apartments, not subject to the provisions specified under Section 23490 of this Zoning Ordinance, but subject to the Special Requirements for Residential Uses within the Commercial Redevelopment Overlay, as set forth in Section 21060(E) below.
- i. Office uses, subject to the provisions specified under Section 23540 of this Zoning Ordinance.
- j. Parking compound or commercial garage, subject to the provisions specified under Section 23310 of this Zoning Ordinance.
- k. Residential retirement and/or care facility, subject to the provisions specified under Section 23670 of this Zoning Ordinance.
- l. Townhouses, not subject to the provisions specified under Section 23830 of this Zoning Ordinance, but subject to the Special Requirements for Residential Uses within the Commercial Redevelopment Overlay, as set forth in Section 21060(E) below.

E. Special Requirements for Residential Uses

- 1. A maximum of 40% of the total gross acreage of the Underutilized Shopping Center may be designated for residential use. For buildings where residential uses are located above first floor commercial uses, the footprint of the building shall be considered in calculating the percentage of the site that may be allocated to residential uses.
- 2. The maximum residential density within the Commercial Redevelopment Overlay is 12 dwelling units per acre; the minimum residential density within the Commercial Redevelopment Overlay is 4 dwelling units per acre.² Density shall be calculated based on the gross acreage of the Underutilized Shopping Center. Residential retirement and/or care facilities shall not be included for purposes of calculating minimum or maximum residential density or the percentage of the site which may be allocated to residential uses

² Any Underutilized Shopping Center developed pursuant to the Commercial Redevelopment Overlay must incorporate residential dwelling units at a minimum density of 4 dwelling units per acre.

3. Dwelling units within a development utilizing the Commercial Redevelopment Overlay shall be linked with commercial uses by sidewalks, crosswalks, or pathways to facilitate safe and convenient pedestrian movement.

F. Regional Impact Development. A development utilizing the Commercial Redevelopment Overlay, even if it has the capability to generate 500 or more vehicle trips during any peak hour of operation, shall not require conditional use approval, nor shall it be subject to the provisions specified under Section 23640 of this Zoning Ordinance, provided that the number of peak hour trips generated by the redevelopment is projected to be less than or equal to the number of peak hour trips planned for when the Underutilized Shopping Center was initially constructed, plus 10%.

G. Area, Dimensional and Height Requirements. The area, dimensional and height requirements applicable to the C-3 Zoning District as set forth in Section 10030 of this Zoning Ordinance shall apply to the Commercial Redevelopment Overlay District, except as modified below:

1. The maximum impervious coverage within the Commercial Redevelopment Overlay shall be 70%, however, impervious coverage may be increased above 70% if the applicant can demonstrate that proposed on-site stormwater facilities can manage the increased impervious coverage.
2. All setbacks shall be measured from the perimeter of the Development Tract and will not apply to individual Lots within the Development Tract.
3. The minimum side yard setback shall be twenty-five (25) feet, regardless of the zoning designation for the adjacent property.
4. The minimum rear yard setback shall be thirty (30) feet, regardless of the zoning designation of the adjacent property.

H. Master Plan Development Requirement.

1. In order to ensure that development using the Commercial Redevelopment Overlay is compatible with other planned development within the C-3 Zoning District, an applicant utilizing the Commercial Redevelopment Overlay must prepare and submit a master development plan to the Township Planning Commission and the Township Board of Supervisors before submitting any land development plans for review. The master development plan shall be submitted and reviewed in the same manner as a sketch plan under the Township's Subdivision and Land Development Ordinance, as amended.
2. The master development plan shall contain, at a minimum, the following:
 - a. A map showing the location of the site.
 - b. A listing and description of all existing structures and uses.

- c. A conceptual plan showing the proposed overall development scheme, including a description of the types of uses; the size, height and area of each planned structure; the provisions for parking; and the proposed streets, public ways, bike facilities, and sidewalks or pathways to facilitate pedestrian movement.
 - d. A description of the manner in which each planned structure will relate to the integrated redevelopment of the Underutilized Shopping Center.
 - e. Sample renderings of proposed buildings or other exhibits depicting the proposed architectural theme for the project, provided, however, that the Board of Supervisors will not control or approve the architectural concept. The applicant may make changes to the proposed architectural theme provided that the ultimate design is generally consistent with what was originally presented during the master development plan process. To the extent the proposed changes modify the proposed architectural concept such that it is no longer consistent with the master development plan, the applicant must update the master development plan in accordance with Section 21060(H)(3).
3. Updates and changes to master development plan
- a. The applicant shall submit an update of the master development plan every three years, unless the applicant indicates that there are no changes from the most recent previously submitted plan.
 - b. If, after submitting the initial master development plan for review, the applicant proposes changes to the redevelopment of the Underutilized Shopping Center that will substantially impact the S.R. 30 streetscape, the applicant must submit a revised master development plan to the Township Planning Commission and the Township Board of Supervisors before any land development plan depicting the proposed changes will be approved.
 - c. If, after submitting the initial master development plan for review, the applicant proposes changes to the redevelopment of the interior of the Underutilized Shopping Center that will not substantially impact the S.R. 30 streetscape or pedestrian, bike or vehicular connections to the streetscape, the applicant may submit a land development plan depicting the proposed change, or apply for any zoning or building permits required to facilitate the proposed change, without updating the master development plan. Such changes must comply with the requirements of the Commercial Redevelopment Overlay and this Ordinance and shall be noted when the master development plan is updated in accordance with Section 21060(H)(3)(a).

Section 3. The East Lampeter Township Zoning Ordinance of 2016, as amended, Article 23, Section 23200(D)(2)(a) is hereby deleted and replaced with the following:

- a. The principal buildings shall have a maximum gross floor area of not more than five thousand (5,000) square feet for a convenience store located within the C-1, C-2, or the Commercial Redevelopment Overlay Zoning Districts.

Section 4. The East Lampeter Township Zoning Ordinance of 2016, as amended, Article 23, Section 23200(D)(3)(a) is hereby deleted and replaced with the following:

- a. The canopy shall not exceed a coverage area of six thousand (6,000) square feet for a convenience store located within the C-1 and C-2 Zoning Districts, or the Commercial Redevelopment Overlay Zoning Districts.

Section 5. All other provisions of the East Lampeter Township Zoning Ordinance of 2016, as amended, shall remain in full force and effect as previously enacted and amended.

Section 6. In the event any provisions, section, sentence, clause, or part of this ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this ordinance, it being the intent of the Board of Supervisors that the remainder of this ordinance shall remain in full force and effect.

Section 7. This ordinance shall be effective and be in force five (5) days after its enactment by the Board of Supervisors of East Lampeter Township as provided by law.

DULY ORDAINED AND ENACTED this ____ day of _____, 2020, by the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

EAST LAMPETER TOWNSHIP
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairperson