

TOWNSHIP OF EAST LAMPETER

Lancaster County, Pennsylvania

ORDINANCE NO. 348

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 Lincoln Highway 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.¹ 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.

¹ 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 Development Plan 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.

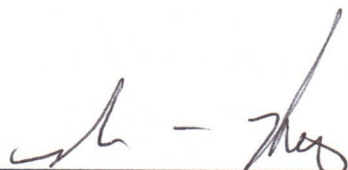
Section 6. In the event any provisions, section, sentence, clause, or part of this ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, 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 20th day of July, 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

I, Ralph M. Hutchison, Secretary of the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Lampeter Township held on July 20, 2020, at which meeting a quorum was present and voted in favor thereof.

A handwritten signature in dark ink, appearing to be 'R. Hutchison', written over a horizontal line.

Ralph M. Hutchison, Secretary