

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania				
RESOLUTION No				

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF MOUNT JOY, CHAPTER 135, ZONING, AS FOLLOWS:

- (I) TO CHANGE THE ZONING CLASSIFICATIONS FOR THE TRACTS OF LAND IDENTIFIED AS TAX PARCELS NO. 4618217600000, 4610048600000, FROM C-1 COMMERCIAL TO C-2 COMMERCIAL and TO CHANGE THE ZONING CLASSIFICATIONS FOR THE TRACTS OF LAND IDENTIFIED AS TAX PARCELS NO. 4619541700000, 4614145500000, and A SUBDIVIDED PORTION OF 4613408100000 (455 RIDGE RUN RD) FROM AGRICULTURAL TO C-2 COMMERCIAL and
- (II) AMEND AND ALTER THE OFFIAL TOWNSHIP MAP TO REFLECT THE CHANGES AS REFERENCED HEREIN, NAMELY CERTAIN PARCELS FROM C-1 COMMERCIAL AND ADDITIONAL PARCELS FROM AGRICULTURAL TO C-2 COMMERCIAL
- (III) WITH THE ADDITIONAL TEXT AMENDMENTS, NAMELY AMENDING THE §135-133 SPECIAL EXCEPTION USES TO ELIMINATE SUBSECTIONS (G)(L)(P)
- (IV) WITH THE ADDITIONAL TEXT AMENDMENTS, NAMELY AMENDING THE AREA AND BULK REGULATIONS UNDER §135-133
- (V) WITH THE ADDITIONAL TEXT AMENDMENTS, NAMELY ADDING A NEW (SECTION) \$135-141 REFERENCING AND ALLOWING TAX INCREMENT FINANCING (TIF)
- (VI) WITH THE ADDITIONAL TEXT AMENDMENTS, NAMELY SPECIAL EXCEPTION USES \$135-256 AMENDING THE RETAIL STORES AND SHOPPING CENTERS IN EXCESS OF 10,000 SQUARE FEET OF GROSS FLOOR AREA

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Mount Joy Township, Lancaster County, Pennsylvania, as follows:

SECTION 1: The Code of Ordinances of the Township of Mount Joy, Chapter 135 thereof, Zoning Article IV, Zoning Districts, Section 135-52, Zoning Map, is hereby amended to change the zoning classification of the tracts of land identified as Property ID Nos: 4618217600000, 4610048600000, FROM C-1 COMMERCIAL TO C-2 COMMERCIAL and TO CHANGE THE ZONING CLASSIFICATIONS FOR THE TRACTS OF LAND IDENTIFIED AS TAX PARCELS NO. 4619541700000, 4614145500000, and A SUBDIVIDED PORTION OF 4613408100000 (455 RIDGE RUN RD) FROM AGRICULTURAL TO C-2 COMMERCIAL (collectively, "Property"), described by metes and bounds in Exhibit A and depicted on Exhibit B, to the C-2 Commercial District.

SECTION 2: The Secretary of the Township is directed to change, and duly certify, the Mount Joy Township Zoning Map to effectuate the reclassification of the tract of land identified in Section 1.

PENNMARK MANAGEMENT COMPANY, INC.

SECTION 3: Section 135-132 "Permitted-by-rite uses" is hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language and strikethrough text indicating deletions of language as follows:

1. §135-132. Permitted by-rite Uses in Article XIV. C-2 – General Commercial District shall hereby remove B. (1), (2) & (3), which presently excludes stores in excess of 10,000 square feet of gross floor area, shopping centers & Vehicular fuel pumps, as follows:

To wit:

- B. Retail sales of goods and services, including motor vehicle parts without installation, and excluding the following:
 - (1) Stores in excess of 10,000 square feet of gross floor area;
 - (2) Shopping centers;
 - (3) Vehicular fuel pumps; and
- §135-132. Permitted by-rite Uses in Article XIV. C-2 General Commercial District shall hereby add new sections Y, Z and AA, in the following manner: §Y to state "Shopping Centers, including stores in excess of 10,000 square feet of gross floor area in accordance with §135-256."
 §Z to state "Convenience Stores in accordance with §135-32, which may be utilized in concert with §135-268 'Vehicular Fuel Pumps."
 §AA to state "Vehicular fuel pumps including those fueling stations that are provided as an accessory use to a retail establishment or Convenience Store (§135-32), in accordance with §135-268."

§ 135-133 Special exception uses.

The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board. In granting any special exception, the Board may attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would locate. The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

- G. Vehicular fueling stations, including those fueling stations that are provided as an accessory use to a retail establishment or convenience store, in accordance with § 135-268.
- L. Retail stores and shopping centers in excess of 10,000 square feet in accordance with § 135-256. If the retail use consists of home improvement and building materials sales, such use shall also comply with § 135-233.
- P. Accessory structures and uses customarily incidental to the above special exception uses.



PENNMARK MANAGEMENT COMPANY, INC.

<u>SECTION 4</u>: Section 135-133 is hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language and strikethrough text indicating deletions of language as follows:

§ 135-135 Area and bulk regulations.

E. ...

- 4) Residential buffer strip. Any lot adjoining land within a residential zone or land that is available for residential use shall maintain a fifty-foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the property boundary that is shared with a residential district being utilized for residential purposes at the time of plan-submission of the Commercial (C-2) development. or land that is available for residential use. Such areas shall be used for a landscape strip and screen, see § 135-299.
- G. Notwithstanding rules and regulations under this Article IV C-2, within the Commercial C-2 District, land may be subdivided for sale or leasing purposes without regard to individual lot-line standards and Ultimate Rights-of-Way restrictions, when a Shopping Center is contemplated and approved, provided that the development of those lots complies with the SALDO, Commercial C-2 regulations, subject to the following regulations:
 - 1. The proposed Development shall not be exempt from the formal submission and approval process as designated in the SALDO and elsewhere in the Township regulations and rules.

2. <u>Commercial C-2 Developments shall be created following a single, unified plan, with a fully coordinated system of interior traffic access, coordinated traffic circulation, and coordinated parking.</u>

3. Where the Township approving body has approved plans for a Commercial C-2 Shopping Center Development, individual units, buildings, or parcels of land within the Commercial C-2 Development may be leased, purchased, subdivided, sold and mortgaged, as individual zero lot line units with zero lot setbacks for internal parking and building lines, provided that such leasing subdivision, or sales is not in conflict with the SALDO.

4. References and regulations to the Ultimate Rights-of-Way shall be disregarded in total, relative to Route 230 and Ridge Run Road, so long as the Development is otherwise in compliance with the regulations and rules as stated within this Section AND the SALDO.

5. Each Retail or other use located within the Commercial C-2 Development, as approved in accordance with the SALDO, shall provide reciprocal access easements for its parking aisles and driveways, guaranteeing access to all lots that were developed pursuant to the approved land development plan for the Commercial C-2 Development.



PENNMARK MANAGEMENT COMPANY, INC.

6. Each use located within the Commercial C-2 Development, shall comply with the performance and design standards contained in this subsection.

SECTION 5: Article XXII "Specific Use Regulations"

Article XXII § 135-256 is hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language and strikethrough text indicating deletions of language as follows:

§ 135-256 **Retail stores and shopping centers in excess of 10,000 square feet of gross floor area.** Retail stores and shopping centers containing a gross floor area in excess of 10,000 square feet shall be subject to the following regulations:

- A. General requirements.
 - (1) ...
 - (2) Not more than $\underline{25}$ $\underline{15}$ % of the total development tract utilized for a shopping center use shall be occupied by buildings.
 - (3) ...
 - (4) The distance, at the closest point of any two building or groups of units of attached buildings, shall not be less than <u>10</u> 20 feet, unless a more stringent separation requirement is specified in this chapter.
- B. ...
- C. Traffic control, access and study requirements.

in accordance with the following criteria:

- (4) Any retail store or shopping center in excess of 50,000 square feet of gross floor area that is located within one mile of a Route 283 interchange shall <u>allow for integrate</u> a portion of the required off-street parking spaces for public use as a park-and-ride facility.—The
- facility shall be readily identifiable and conveniently accessible to passing motorists. At least 3% of the parking spaces provided for the shopping center use shall be permitted for public use as a park-and-ride area, which facility shall not increase or otherwise additionally burden the shopping center parking mandates; the 3% allowance be integrated and included within the existing parking requirements for the shopping center. Additionally, the shopping center shall NOT be required to incur any additional costs related to the park-and-ride facility or provide any amenities or facilities related thereto. The Zoning Hearing Board may permit the required number of parking spaces to be provided for public use as a park-and-ride area to be reduced by special exception

Exhibit A

LEGAL DESCRIPTION

of

Lot Area from Tyson Foods Inc to Elizabethtown Mount Joy Associates, L.P.

Tyson Foods Inc. 455 Ridge Run Road

in

Mount Joy Township Lancaster County, Pennsylvania

ALL THAT CERTAIN tract of land lying on the west side of Ridge Run Road, in Mount Joy Township, County of Lancaster, Commonwealth of Pennsylvania, being more particularly described as follows:

From a POINT OF BEGINNING at the southerly property line of N/F Tyson Foods Inc. at the PP&L Right of Way and a distance of 34.86 feet west from the ¾" found rebar; (1) thence along the southerly property line of N/F Tyson Foods Inc to the west, North 67 degrees 58 minutes 21 seconds West, a distance of 1,058.34 feet to a ¾" rebar found at corner of lands of N/F Elizabethtown Associates; (2) thence along lands of N/F Elizabethtown Associates, North 18 degrees 07 minutes 50 seconds East, a distance of 428.37 feet to a concrete monument found at the corner of the lands of N/F Norlanco Real Estate Partnership and N/F Suzann and Janine R. Eshelman; (3) thence along the southerly property line of N/F Suzann and Janine R. Eshelman, North 76 degrees 22 minutes 44 seconds East, a distance of 521.56 feet to a point; (4) thence along N/F Tyson Foods Inc, South 20 degrees 11 minutes 36 seconds East, a distance of 987.57 feet to the POINT OF BEGINNING.

ABOVE DESCRIBED LAND CONTAINING an area of 11.065 acres, or 482,002.25 square feet and subject to an existing AT&T Right of Way, J-177-131, Deed Book K, Volume 38, Page 511 and an existing PP&L Right of Way, J-177-131

, (Cont'd.)

TRACT NO. 2

BEGINNING at a point in the center line of Pennsylvania Route No. 230 said point being sixty feet Southeast of a corner of Tract No. 1 and also a corner of lands now or late of Monroe Garber; thence by lands now or late of Monroe Garber running parallel sixty feet with Tract No. 1 North twenty-eight degrees seventeen minutes East two hundred ten feet to a stake; thence by lands now or late of Monroe Garber South sixty-one degrees forty-three minutes East twelve hundred forty-five and forty-two hundredths feet to a stake; thence by lands now or late of Monroe Garber and John Kreider, respectively, South four degrees twenty-nine minutes West two hundred twenty-nine and fifty-one hundredths feet to a point said point being seven and thirty-six hundredths feet North of the center line of Pennsylvania Route No. 2380; thence in Pennsylvania Route No. 230 North sixty one degrees forty-three minutes West thirteen hundred thirty-eight and four hundredths feet to the place of beginning.

BEING Tax Parcel No. (461) 9D8-1-2

ALL THOSE TWO CERTAIN tracts of land situate along the Northeast side of Pennsylvania Route No. 230 in the Township of Mount Joy, County of Lancaster and Commonwealth of Pennsylvania bounded and described in accordance with survey made by Paul F. Diehm, Registered Surveyor dated October 26, 1964 as follows:

TRACT NO. 1

BEGINNING at a point in the center line of Pennsylvania Route No. 230 said point being the Southwestern comer of the herein described tract; thence leaving said Route 230 North forty-seven degrees thirty-six minutes East one hundred ninety-five and forty-four hundredths feet and North no degrees fifty-four minutes West twenty-nine and twenty-eight hundredths feet to an iron pin a corner of lands now or late of Monroe Garber; thence along lands of the said Monroe Garber the two following courses and distances: South sixty-one degrees forty-three minutes ten hundred sixty-eight and twenty hundredths feet to a stake South twenty-eight degrees seventeen minutes West two hundred ten feet to a point in the center line of Pennsylvania Routed No. 230; thence in the center line of said Route 230 North sixty-one degrees forty-three minutes West eleven hundred eighteen and fifty-seven hundredths feet to the place of beginning.

EXCEPTING THEREOUT AND THEREFROM:

ALL THAT CERTAIN lot or piece of land conveyed to Elizabethtown Associates, Inc., a Pennsylvania Corporation by deed dated February 6, 1975 and recorded in the Recorder of Deeds Office on July 10, 1975 in Record Book P, Volume 66, Page 1091.

ALL THAT CERTAIN lot or piece of land conveyed to the Commonwealth of Pennsylvania for condemnation dated August 31, 1970 and recorded in the Recorder of Deeds Office in and for Lancaster County of December 7, 1970 in Record Book N, Volume 60 Page 815.

÷

79753

· AUG 17 1977

This Inventure made the 10 cd

day of August

in the year of one Land one thousand alma

bundral and aquacty-saven (1977)

Metween

ELITABETHTOM ASSOCIATES, INC., a Funnsy Lyania corporation

(liereivalier enlied the Grantes), of the pas port, and

ELICABETHTOWN ASSOCIATES, a Pannaylvania partmarahip

(hotelnafter colled the Grantes), of the other part;

Hitterscill. That the sold Granter for and in consideration of the sim of one poller (\$2.00) Institut of the sold granter of the United States of America, unto the well and truly paid by the sold Grantes of and information of and information of and information of and information of the sold granted, herefored, sold, alleved, exceeding released and confirmation in the sold Grantes the granted, because with alleved, enfault, release and confirm units the sold Grantes the Rescourage and Assigns, 14 food as pretangular property, for the mass send perposes of the percentable.

Promines "A"

ALL THAT CERTAIN piece; packed; or exact of Land Situate on the cast also of Paters. 16004 morth of Paters. 129, in House Jey Township, Lancastor County, Pannaylvania, as shown on a plan exepted by Huth Engineery Inc., deted January 2. 1973, Drawing No. LA-960, and boing more fully bounded and described as College.

BECLINING at a point on the cast right of way line of Pe. Log. Rts. 36004, said point being located a distance of 171.96 feet aptth of the intersection of the north line of Pa. Log. Rts. 120 and the east line of Pa. Log. Rts. 36004; thence slong the mast line of Pa. Log. Rts. 36004; the following three (1); course and distances: (1) in a line curving to the left, having the radius of 190.81 fact and as are distance of 72.48 feet, at each of said are boing North 8 degrees 14 cincts 13 sectods first, a distance of 72.41 feet to a point; [2] Sectod 15 sectods 4881, a distance of 72.42 feet to a point; [3] Sectod 14 (2) Sectod 15 sectods 4881, a distance of 131.49 feet to a point, a cottor of lands belonging to Northwatt Lansacter County Redical Association; thurth along the rade, and excessing a Log. foot right of way for the American religious and telegraph Co., North 65 degrees 69 chauts 10 seconds feat, a distance of 1,314.52 fact to do from pin. 3 cottors of other land belonging to, now or late. John K. Gorbor; thence of my, for the secretar Telephone and Telegraph Co., Schoth 18 degrees 30 manutes DS seconds Mast, a distance of 972.76 feet to on feen pin, a conur of land belonging to, now or late. Filen K. Garbor; thance slong the dage, North 67 degrees 12 minutes 50 seconds Mast, a distance of 972.76 feet to on feen pin, a conur of land belonging to, now or late. Filen K. Garbor; thance slong the dage, North 67 degrees 12 minutes 50 seconds Mast, a distance of 1,020.73 feet to be point on the cast right of way line of Ta. Log. Rts. 10004, the plame of Berliniate.

CONTACHING 18.154 acres.

U 71 😂

1777

SETHS, he to Promises "A" the came promises which John K. Garber and Katherina M. Garber, his wife, by Seed dated August 1, 1974 and recorded in Lancaster County, Princylvania on August 1, 1974 in Reserve Book O Volume 55 Page 733 granted and conveyed unto Elizabethtoun Associates, Inc.

Promisos "A"

ALSO ALL THAT CENTAIN piece, parent, or tract of land SITUATE of the northwest corner of Pa. Log. Rto. ISDNe. and Pa. Log. Rto. 129, in Mount Joy Township; Lapratter County, Formayivania, is those on a plan propered by Nuth Engineers. Inc. dated January 2. 1871, Drawing No. 11-960, and being more fully bounded and described on follows:

SECTIMING at a point at the intersection of the tast right of way line of Ps. Lag. Rec. 15004, and the mosth right of way line of Ps. Leg. Rec. 129; there along the east right of way line of Ps. Leg. Rec. 15004, the following two [2] consecuted the east right of way line of Ps. Leg. Rec. 15004, the following two [2] consecuted and distances: [1] North 22 degrees of windles 20 seconds extend a month of a late, a distance of Ex. B: Leg. the chord of said are being North 17 degrees 36 minutes 25 seconds Mant, a distance of Ex. Of feat to a point, a corner of land bedonging to, now of late, John K. Carbert there a long the mane, the following two (2) courses and distances: [1] South 67 degrees 12 minutes 50 seconds East, a distance of 170.0 feat south of the last described corner, south 22 degrees 47 minutes 06 for 100.0 feat south of the last described corner, south 22 degrees 47 minutes 10 seconds weet, a distance of 170.5 Year to 8 point on the north right of way line of Ps. Lag. Res. 120; therew short the same, North 67 degrees 16 winutes Mant, a distance of 1,012.68 feat to a point, the place of Exception.

CONTRIBUTE 2.981 scene.

being, as to Premises "B", the same promises which Ellen K. Excher, Singlescoan by Deed Asted February 6, 1975 and recorded in Lancastes County on July 10, 1975 in Rocard Sock F Volume 66 Page 1091 granced and conveyed unto elizabethtown Associator, Inc.

more and duriect to exements, restrictions, and agreements of record.

UNDER AND ACOJECT, nevertheless to a cyclain mortgage dabt in the original principal sum of Fifty form Thousand Sollays [657,000.00] given by Blizehethtown Accordates, Inc. to Ellen K. Garbar.

Editifies with all and singular end buildings improvements, ways, structs, offers, passages, waters, water courses, rights, liberties, privileges, befoliuments and appartenances substances thereunia belonging, or in any wise apparinhing, and the surveilless and reliabilities, resit, leages and profits thereof, and all the artists, right, this, literary, property, claim and demand whatever of the said Granter, is law; equity, or otherwise however, of, in, and to the same way goet thereof.

Co linus and to bold the sold lute or pieces of ground above described with the buildings and improvements thousand provides hereditaments and provides heredy grounds, or mentioned and intended as to be, with the appartamence, and the soid Cremes, its successors and deligns, to and for the only proper use and belief of the abid Grouness, its successors:

and Angers forever, an partnership property, for the uses and purposes by the partnership, under any subject on aforesaid.

All the sold Grantor, for itself, and its Successors

by these presents covered graft and agree to and with the aid Grantes. Its Successors and Assigns, that it lies said Granter and its Successors

and singular the hereditements and premises herein described and gracted, of mentioned and intended to to be, with the apportenance, unto the said Grantes. Lex successors and intended described and described and

Successors, and against all and every other Person and Persons champeriar lawfully clabiling or to alain the rape or any part thereof, by, from or under it, them, or any of them, Shell and Will Subject an aforestid, WARHANT and forever DEPEND.

In Witness Whereof, the maid Passies to these presents have heceunts interchangeably see their hands and soals. Dated the day and year three places before written.

Entire interpretation as Pently I wants compared to a Pently I wants compared to a

file:

U, 71 Z3

Attest

Mercha Border

	•	,			•	•
	On this, the personally express who acknowledge outhorised to do such or the corp.	nd SULPING Admindf to the elia occ. responsed the for personal of the control	oper August w. V. Tenenthal Viet Premous	of Alexabeths the assum Victi the parpuss thirds	Pa'1 15	Inc.
Dire/RL		ELIFABRICHE ASSOCIATES, INC., B Pemberivaria curpariston TO	Problems: Frontains: Frontai	277.P. Taller On.	S 190-	AUG. 17 1977
, many many many many many many many many		RECORDED OF DEEDS IN THE PARTY OF DEED IN THE	i loc office for Amoria, of Co., Penasylvania, Co., Penasylvania, 71 (co., 72) (co., 73) (co., 74) (co., 7	dug of Decis, etc., in Asecra Page 21 One this 17th D. 19 77	THE CLASSER, THE STATE OF THE S	Carell C. Bill

ALL THAT CERTAIN tract or lot of land situate in Mount Joy Township, Lancaster County, Commonwealth of Pennsylvania more particularly bounded and described as follows to with

BEGINNING at a P.K. nail in the centerline of Ridge Run Road (T-316) at the dividing line of land now or formerly of Robert K. Brown and the subject premises, said point also being located 1.172.40 fest North of the centerline intersection of Route 230 and Ridge Run Road (T-316); thence by line of land now or formerly of Robert K. Borwa South 78 degrees 06 minutes 05 seconds West 175,00 feet to an iron pin; thence by same and by land now or formerly of Raymond F. Gruber South 12 degrees 01 minutes 56 seconds East 279.92 feet to an iron pin; thence by line of land now or formerly of John Kreider South 89 degrees 20 minutes 47 seconds West 766.98 feet to an iron pin; thence by line of land now or formerly of Norman Garber North 04 degrees 29 minutes 00 seconds East 152.87 feet to an iron pin; thence by same North 61 degrees 43 minutes 00 seconds West 1,245.42 feet to a metal disk; thence by same and passing through an iron pin on the legal right-of-way line of Route 230 South 28 degrees 17 minutes 00 seconds Wast 210,00 feet to a point in the centerline of Route 230; thence by said centerline North 61 degrees 43 minutes 00 seconds West 60.00 feet to a point; thence by line of land now or formerly of Elizabethtown Associates, Inc., and passing through an iron pin located on the legal right-of-way line of Route 230 North 28 degrees 17 minutes 00 seconds East 210.00 feet to a metal disk; thence by land of same North 24 degrees 22 minutes 52 seconds East 543.17 feet to an iron pin; thence by line of Lot #1 South 61 degrees 43 minutes 00 seconds East 1,093.12 feet to an iron pin; thence by same South 89 degrees 53 minutes 19 seconds East 449.84 feet to an iron pin; thence by same North 59 degrees 51 minutes 28 seconds East 149,98 feet to a P.K. nail in the centerline of Ridge Run Road (T-316); thence by sald centerline South 30 degrees 08 minutes 32 seconds East 453,47 feet to an iron pin on the eastern side of the pavement of said roadbed; thence continuing through said roadbed South 11 degrees 50 minutes 31 seconds East 113.83 feet to a P.K. nail in the center of Ridge Run Road (T-316), the place of BEGINNING.

BEING No. 28.078 acres.

Exhibit B



Exhibit B

MOUNT JOY

W. Main Street (Route 230) | Mount Joy | 17552

