

BEFORE THE MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS
LANCASTER COUNTY, PENNSYLVANIA
PETITION TO AMEND THE MOUNT JOY TOWNSHIP
ZONING ORDINANCE

Pursuant to Section 135-391 of the Mount Joy Township Zoning Ordinance of 2012, as amended (the “Zoning Ordinance”), Elizabethtown Crossing Associates, LLC, a Pennsylvania limited liability company, by and through their counsel, McNees Wallace & Nurick LLC, respectfully petitions the Board of Supervisors (the “Board”) of Mount Joy Township (the “Township”) to amend the Mount Joy Township Zoning Ordinance (the “Zoning Ordinance”) as hereinafter set forth. In support thereof, the following is averred:

Background

1. The petitioner in this matter is Elizabethtown Crossing Associates, LLC, a Pennsylvania limited liability company with an address of 100 Front Street, Suite 560, Conshohocken, Pennsylvania 19428 (the “Petitioner”).
2. Petitioner is the equitable owner of the following twelve tracts of land, comprising approximately 59.98 acres, located in Mount Joy Township (collectively, the “Township Property”):
 - a. Tax Parcel No. 460-45657-0-0000 – 2.3 acres
 - b. Tax Parcel No. 460-61425-0-0000 – 17.4 acres
 - c. Tax Parcel No. 460-79215-0-0000 – 22.8 acres
 - d. Tax Parcel No. 460-73533-0-0000 – 1.7 acres
 - e. Tax Parcel No. 460-43851-0-0000 – 0.58 acres
 - f. Tax Parcel No. 460-91962-0-0000 – 0.82 acres
 - g. Tax Parcel No. 460-91350-0-0000 – 0.2 acres
 - h. Tax Parcel No. 460-81320-0-0000 – 0.65 acres
 - i. Tax Parcel No. 460-61449-0-0000 – 4.5 acres
 - j. Tax Parcel No. 460-04347-0-0000 – 2.93 acres
 - k. Tax Parcel No. 460-81037-0-0000 – 4 acres
 - l. Tax Parcel No. 460-57508-0-0000 – 1.1 acres
3. Petitioner is also the equitable owner of the following two tracts of land, comprising approximately 3.954 acres, located in Elizabethtown Borough (collectively, the “Borough Property”):
 - a. Tax Parcel No. 250-70244-0-0000 – 2.126 acres
 - b. Tax Parcel No. 250-69513-0-0000 – 1.828 acres
4. The Township Property and the Borough Property are sometimes referred to hereinafter collectively as the “Development Tract.” The Development Tract is located south of S.R. 283 on either Side of Hershey Road (S.R. 743).

5. An aerial map of the Development Tract, on which the Township Properties are depicted in yellow and the Borough Properties are depicted in blue, is attached hereto as Exhibit A.
6. The Township Property is located in the Mixed-Use Zoning District (the “MU District”). An excerpt of the Township’s Zoning Map depicting the Township Property is attached herewith as Exhibit B.
7. Petitioner desires to comprehensively subdivide and develop the Development Tract with a mixture of commercial, residential, and industrial uses, including two warehouses containing approximately 200,000 square feet each, a convenience store with fueling station, a hotel, a car wash, 24,000 square feet of retail space, a quick service restaurant and approximately 132 apartment units (the “Proposed Development”). A concept plan depicting the Proposed Development is attached hereto as Exhibit C (the “Concept Plan”). All of the Proposed Development, with the exception of approximately 108 apartment units, will be located on the Township Property.
8. In connection with the Proposed Development, Petitioner plans to construct an extension of Buckingham Boulevard from its existing intersection with Mount Gretna Road (SR 241) to Old Hershey Road (the “Buckingham Boulevard Extension”) in the manner generally depicted on the Concept Plan.
9. For the reasons set forth in this Petition, to facilitate the Proposed Development on the Township Property, Petitioner is respectfully requesting that the Board adopt certain amendments to the Zoning Ordinance related to Planned Mixed-Use Developments.
10. In particular, Applicant proposes to define a “Planned Mixed-Use Development” as follows: “A planned center containing a combination commercial, industrial, and residential uses. The total area of a Planned Mixed-Use Development must be greater than or equal to 40 acres, and all of the land within the Planned Mixed-Use Development must be located within a 2,500-foot radius of the center point of an S.R. 283 interchange.” Applicant also proposes to amend the Zoning Ordinance to permit Planned Mixed-Use Developments by special exception in the MU District.
11. In addition to other uses already permitted by right, special exception, or conditional use within the underlying zoning district where a Planned Mixed-Use Development is located, a Planned Mixed-Use Development will also be permitted to include the following uses: i) industrial uses involving warehousing, manufacturing, processing, packaging, production, wholesaling, storage, distribution or repair, not to exceed 250,000 square feet; ii) apartment houses; and iii) townhouses. The foregoing notwithstanding, no more than 15% of the gross area of the development tract may be comprised of residential uses.
12. All uses within a Planned Mixed-Use Development must be connected to and use public water and sewer. An applicant seeking special exception approval for a Planned Mixed-

Use Development is required to submit a sketch plan, a feasibility report on sewer and water facilities, a traffic impact study, and a narrative explaining the methods that will be used to maintain shared facilities, proposed traffic improvements, proposed phasing and build-out, the proposed future subdivision of the property, and the form of ownership of the units to be developed. An applicant also must provide evidence of how infrastructure within the development, including storm water management facilities, access drives, circulation points, and off-street parking facilities, will be maintained.

13. In exchange for meeting the aforementioned requirements, Planned Mixed-Use Developments will be subject to some relaxed dimensional and regulatory standards. Specifically, Planned Mixed-Use Developments will be permitted to have increased impervious coverage for residential uses (up to 50%), increased maximum building heights (up to 50 feet), decreased front yard building and parking setbacks along arterial roads (15 feet and 5 feet, respectively), decreased front yard setbacks for vehicular washing facilities (50 feet), relaxed standards for grading of steep slopes, relaxed standards for billboard heights, decreased minimum lot sizes per dwelling unit (1,500 square feet per unit), and decreased off-street parking requirements for residential uses (1.25 spaces per unit). In addition, townhomes within a Planned Mixed-Use Development will be permitted to contain 8 adjoining units where 6 adjoining units are otherwise permitted. Finally, within a Planned Mixed-Use Development there will be no limitations on shipping or receiving hours for businesses provided residential uses are appropriately buffered.
14. Petitioner believes, and therefore avers, that the Proposed Amendment is consistent with the intent of the Northwest Regional Strategic Plan (the “Strategic Plan”), the Northwestern Lancaster County Comprehensive Plan (the “Regional Comprehensive Plan”), and Places2040, the Lancaster County Comprehensive Plan (the “County Comprehensive Plan”), for the following reasons:
 - a. The Township adopted the Strategic Plan in 2010. The Strategic Plan serves as the comprehensive plan for the Mount Joy, Conoy, and West Donegal Townships, as well as Elizabethtown Borough. The Strategic Plan includes the Development Tract within the designated Urban Growth Area (“UGA”) One of the Strategic Plan’s goals is for 85% of new residential development to occur within UGAs. *Pg. 39.* The Strategic Plan also emphasizes the importance of increasing residential densities and employment opportunities within UGAs, both goals that will be supported by the proposed amendment. *Pg. 113.*
 - b. In 2024, the Lancaster County Planning Department published the Regional Comprehensive Plan. The Regional Comprehensive Plan, which relates to the same four municipalities as the Strategic Plan, reaffirms the Development Tract as an appropriate site for development. Specifically, the Regional Comprehensive Plan identifies portions of the Development Tract as suitable for infill and reinvestment. *Pg. 128.*

- c. In addition to the regional plans, Places2040 emphasizes the importance of focusing new residential growth within designated UGAs and providing a greater supply and diversity of housing types to meet expected population increases. *Pg. 24, 50.* Places2040 also emphasizes prioritizing redevelopment and infill within UGAs. *Pg. 51.*
 - d. Based on the foregoing, the three comprehensive plans applicable to the Township all favor the proposed amendment.
15. A proposed ordinance amending the Zoning Ordinance as outlined herein (the "Proposed Ordinance") is enclosed as Exhibit D.

WHEREFORE, Petitioner respectfully asks the Board of Supervisors to adopt the Proposed Ordinance after consideration by the Mount Joy Township and Lancaster County Planning Commissions.

Respectfully submitted,

McNees Wallace & Nurick LLC

By: Claudia Shank
Claudia Shank, Esq.

EXHIBIT A

Aerial Map

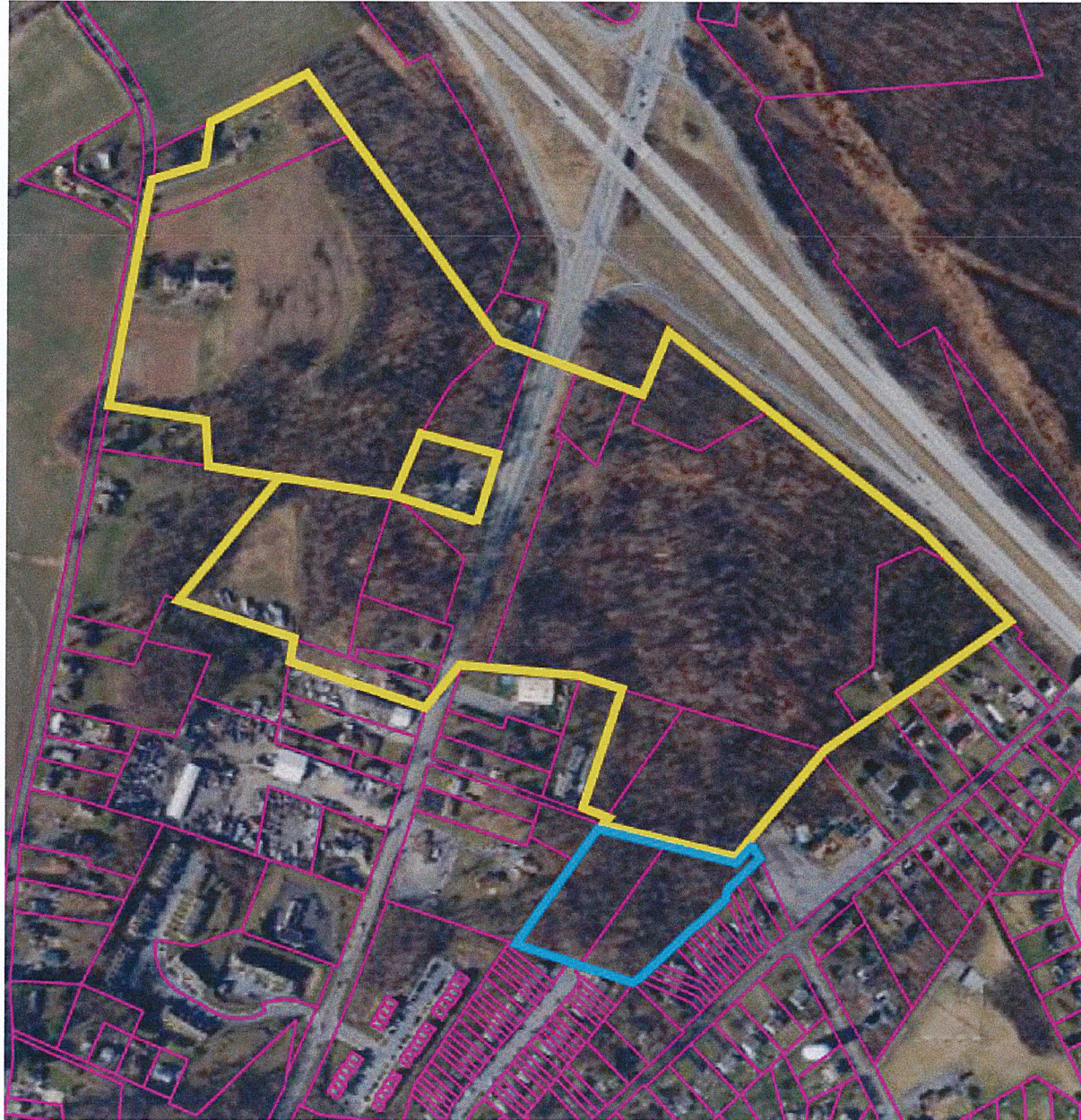
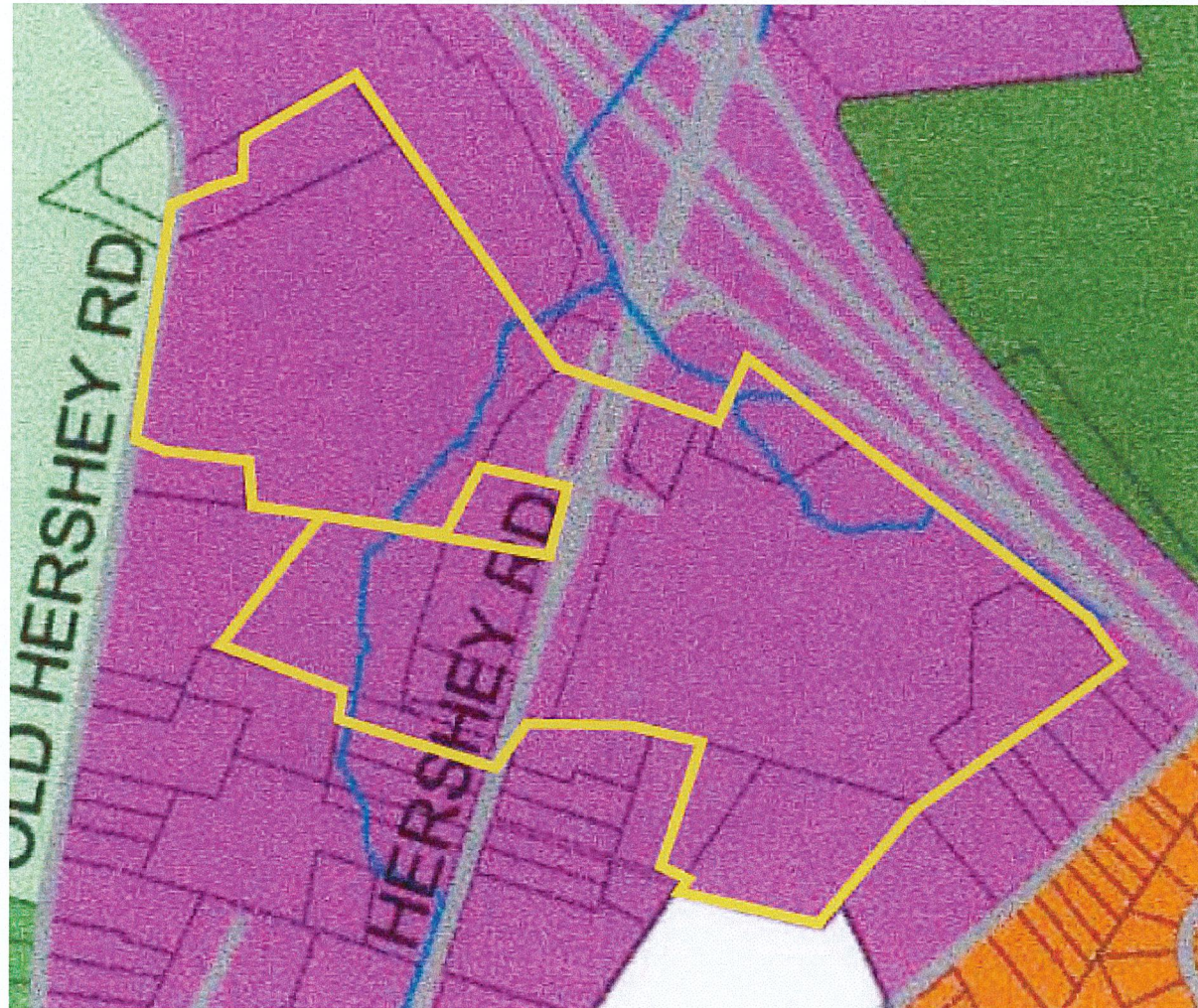


EXHIBIT B

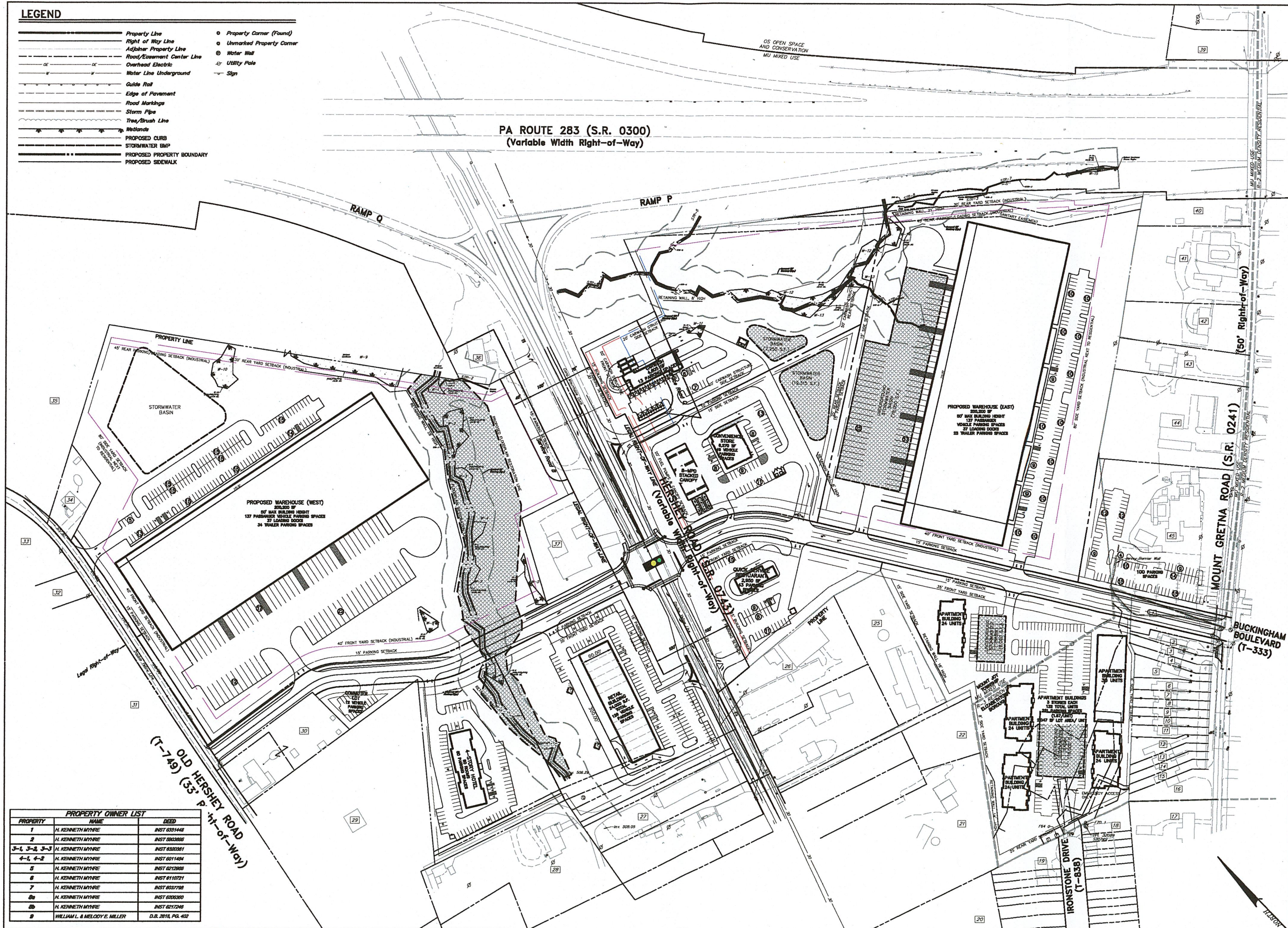
Zoning Map Excerpt



LEGEND

- Property Line
- Right of Way Line
- Adjoining Property Line
- Road/Easement Center Line
- Overhead Electric
- Water Line Underground
- Guide Rail
- Edge of Pavement
- Road Markings
- Storm Pipe
- Tree/Brush Line
- Wetlands
- PROPOSED CURB
- STORMWATER BMP
- PROPOSED PROPERTY BOUNDARY
- PROPOSED SIDEWALK
- Property Corner (Found)
- Unmarked Property Corner
- Water Well
- Utility Pole
- Sign

PA ROUTE 283 (S.R. 0300)
(Variable Width Right-of-Way)



PROPERTY OWNER LIST		
PROPERTY	NAME	DEED
1	H. KENNETH MYRE	INST 631148
2	H. KENNETH MYRE	INST 602066
3-1, 3-2, 3-3	H. KENNETH MYRE	INST 632031
4-1, 4-2	H. KENNETH MYRE	INST 601148
5	H. KENNETH MYRE	INST 621268
6	H. KENNETH MYRE	INST 611071
7	H. KENNETH MYRE	INST 603778
8	H. KENNETH MYRE	INST 620630
9	H. KENNETH MYRE	INST 621746
10	WILLIAM L. & MELODY E. MILLER	D.B. 2014, PG. 402

FOR REVIEW ASSOCIATES BY:		NO.		DATE		REVISION	
MANAGER: KIM FASCHACH, P.L.A.		DESIGN BY: KMF		SURV. CHECK: KMF		DRAWN BY: TSC	
CLIENT: ELIZABETHTOWN CROSSING ASSOCIATES LLC		ONE TOWER BRIDGE		100 FRONT STREET, SUITE 560		WEST CONSHOCKEN, PA 19428	
PROJECT: ELIZABETHTOWN CROSSING ASSOCIATES LLC		ONE TOWER BRIDGE		100 FRONT STREET, SUITE 560		WEST CONSHOCKEN, PA 19428	
DATE: 09/17/2025		SHEET NO. 1 OF 1		DWG. NO. 111902037			
SITE PLAN EXHIBIT FOR ELIZABETHTOWN CROSSINGS		MOUNT JOY TOWNSHIP		LANCASTER COUNTY			

NOT FOR CONSTRUCTION/NOT FOR BIDDING

TOWNSHIP OF MOUNT JOY
Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF MOUNT JOY, CHAPTER 135, ZONING, AS FOLLOWS: TO DEFINE A PLANNED MIXED-USE DEVELOPMENT, TO PERMIT PLANNED MIXED-USE DEVELOPMENTS BY SPECIAL EXCEPTION IN THE MIXED-USE ZONING DISTRICT, TO INCREASE THE MAXIMUM IMPERVIOUS COVERAGE FOR APARTMENT HOUSES WITHIN PLANNED MIXED-USE DEVELOPMENTS IN THE MIXED USE DISTRICT, TO INCREASE THE MAXIMUM BUILDING HEIGHT FOR PLANNED MIXED-USE DEVELOPMENTS IN THE MIXED USE DISTRICT, TO MODIFY THE SPECIFIC CRITERIA FOR APARTMENT HOUSES AND TOWNHOUSES IN A PLANNED MIXED-USE DEVELOPMENT, TO ESTABLISH SPECIFIC CRITERIA FOR THE CONSTRUCTION OF A PLANNED MIXED-USE DEVELOPMENT, AND TO CLARIFY THAT ANY FUTURE EXTENSION OF BUCKINGHAM BOULEVARD WILL BE CLASSIFIED AS A COLLECTOR STREET.

BE AND IT IS 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 Mount Joy Township, Chapter 135, Zoning, Article IV, Section 135-32 is hereby amended to add a definition for a “Planned Mixed-Use Development” in alphabetical order as follows:

PLANNED MIXED-USE DEVELOPMENT: A planned center containing a combination of commercial, industrial, and residential uses. The total area of a Planned Mixed-Use Development must be greater than or equal to 40 acres, and all of the land within the Planned Mixed-Use Development must be located within a 2,500-foot radius of the center point of an S.R. 283 interchange.

SECTION 2: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XV, Section 135-143 is hereby amended to delete the existing subsection R and add new Subsections R and S which shall provide as follows:

R. Planned mixed-use development in accordance with §135-275.

- S. Accessory structures and uses customarily incidental to the above special exception uses.

SECTION 3. The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XV, Section 135-145.F(2)(b) is hereby amended as indicated by the blackline interlineations below, with underlined text indicating an insertion of language as follows:

- F. Maximum lot coverage.

- (2) Maximum impervious coverage

- (b) The total impervious coverage for residential uses shall not exceed 30%, except within a planned mixed-use development, where the total impervious coverage for residential uses shall not exceed 50%.

SECTION 4: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XV, Section 135-146.B is hereby amended to add Section B(4) as set forth below:

- (4) Buildings within a planned mixed-use development may have a maximum height of 50 feet.

SECTION 5: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXII, Section 135-216.D is hereby amended as indicated by the blackline interlineations below, with underlined text indicating insertion of language as follows:

- D. The minimum lot area for apartment houses shall be 20,000 square feet for apartment houses containing three or fewer dwelling units. For each dwelling unit in excess of three, the minimum lot size shall be increased by 6,000 square feet per dwelling unit, except within a planned mixed-use development, where the minimum lot size shall be increased by 1,500 square feet per dwelling unit for each additional dwelling unit.

SECTION 6: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXII, Section 135-262.A is hereby amended to modify the requirements for townhouses within a planned mixed-use development, as indicated by the blackline interlineations below, with underlined text indicating insertion of language as follows:

- A. No townhouse building shall contain more than six units, except within a planned mixed-use development, where up to 8 units per building are permitted.

SECTION 7. The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XII, Section 135-269.C is hereby amended to modify the setback requirements for vehicular washing facilities within a planned mixed-use development, as indicated by the blackline interlineations below, with underlined text indicating insertion of language as follows:

- C. All structures housing washing apparatus shall be setback 100 feet from any street line, except within a planned mixed-use development where a 50 foot setback shall be permitted, 50 feet from any rear property line and 20 feet from any side property line.

SECTION 8: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXII is hereby amended to add 135-275, establishing specific criteria for a planned mixed-use development as follows:

§135-275 Planned mixed-use developments.

- A. Where a planned mixed-use development is proposed the following uses shall be permitted, in addition to all uses already permitted by right, special exception or conditional use in the zoning district where the planned mixed-use development is located. Any use permitted by special exception within the zoning district where the planned mixed-use development is located will not be required to obtain a separate special exception approval when proposed as part of a planned mixed-use development but will instead be approved as part of the special exception approval for the planned mixed-use development upon demonstration by the applicant that such use complies with the specific criteria in Article XXII of this chapter.
- (1) Industrial uses involving warehousing, manufacturing, processing, packaging, production, wholesaling, storage, distribution or repair, not to exceed 250,000 square feet.
 - (2) Apartment houses in accordance with § 135-216.
 - (3) Townhouses in accordance with § 135-262.
 - (4) More than one principal use on a lot, without demonstrating compliance with § 135-295.
- B. Individual uses may be located in detached and/or attached structures and shall only include those uses that are permitted as of right or by special exception within the district where the mixed-use development is proposed, or pursuant to this §135-275.A.
- C. Retail stores in excess of 10,000 feet located in a planned mixed-use development shall not be required to demonstrate compliance with the standards set forth in §135-256 of this chapter.
- D. All uses within a planned mixed-use development must be connected to and use public water and sewer.

- E. No more than 15% of the gross area of the development tract may be comprised of residential uses.
- F. Within a planned mixed-use development, front yard building setbacks along arterial streets shall be reduced to 15 feet and front yard parking setbacks along arterial streets shall be reduced to 5 feet.
- G. At the time of application for special exception approval, the applicant shall submit the following:
 - (1) A sketch plan conforming to the requirements of Chapter 119, Subdivision and Land Development. The plan must include the overall design and improvements associated with the planned mixed-use development and identify the location of each type of proposed use, access points, circulation, and off-street parking areas in sufficient detail to enable the Zoning Hearing Board to determine compliance with this chapter.
 - (2) A feasibility report on sewer and water facilities.
 - (3) A traffic impact study conforming to the requirements of Chapter 119, Subdivision and Land Development.
 - (4) A narrative setting forth the proposed uses within the planned mix-use development; the method for maintaining the shared, integrated facilities such as access, circulation, storm water management facilities, shared parking and retaining walls; proposed improvements to address traffic to be generated by the planned mixed-use development; proposed phasing and buildout of the planned mixed-use development, any proposed future subdivision of the development tract; and the form of ownership of the units to be developed.
- H. The applicant shall provide evidence of how long-term maintenance of infrastructure including, but not limited to, storm water management facilities, access drives and circulation points, and required off-street parking, shall be maintained. The applicant shall use one of the following methods:
 - (1) If all infrastructure other than streets serving a designated fee simple lot is located within the boundaries of that lot, the infrastructure may be maintained by either the lot owner or, if the lot is part of an association, by the association.

- (2) If all infrastructure other than streets serving an area is separated from all other portions of the planned mixed-use development by streets, the applicant may provide for the maintenance of said infrastructure by an association comprised solely of the land within such designated area, or by a master association of all land within the planned mixed-use development.
- (3) When infrastructure serves two or more lots or units, the infrastructure must be maintained by an association governing all of the land containing the common infrastructure.

H. A special exception for a planned mixed-use development shall be subject to time limits in the Zoning Hearing Board decision, which may be different from the time limits in §135-383.B.

SECTION 9: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXIII, Section 135-301(B)(2)(w) is hereby amended as indicated by the blackline interlineations below, with strikethrough text indicating deletions of language as follows:

(w) Buckingham Boulevard, ~~from Township Line to Old Hershey Road (T-749)~~

SECTION 10: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XIII, Section 135-305(D)(1) is hereby amended to increase the flexibility for earthmoving of steep slopes within a planned mixed use development as indicated by the blackline interlineations below, with underlined text indicating additions of language as follows:

- (1) Grading and earthmoving on all steep slopes shall not result in earth cuts or fills whose highest vertical dimensions exceed 20 feet in planned mixed-use development, or 10 feet in all other circumstances, except if one of the following applies:

SECTION 11: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXIII, Section 135-325(D) shall be amended as indicated by the blackline interlineations below, with underlined text indicating insertion of language as follows:

- D. Except for within a planned mixed-use development, no shipping or receiving shall be permitted within 600 feet of a residential zoning district or existing residential development between the hours of 9:00 p.m. and 8:00 a.m. Within a planned mixed-use development, there shall be no limitations on shipping or receiving hours provided any residential uses are appropriately buffered by a landscape screen, a fence, or other measures to mitigate associated impacts.

SECTION 12: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXIV, Section 135-333(C)(8)(g) shall be amended as indicated by the blackline interlineations below, with underlined text indicating insertion of language as follows:

- (g) No sign shall be more than 25 feet high above the grade of the existing road cartway, or 25 feet high as measured from the surface grade of the location where the billboard is construction, whichever is greater.

SECTION 13: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXV, Section 135-343(A)(2) is hereby amended as indicated by the blackline interlineations below, with underlined text indicating additions of language as follows:

A. Residential uses.

- (1) Dwelling units: Two parking spaces for each dwelling unit with three bedrooms or fewer, except within a planned mixed-use development, where a minimum of 1.25 spaces per dwelling unit shall be required, and three parking spaces for each dwelling unit with four or more bedrooms.

SECTION 14: Except only as amended, modified and changed herein, the “Code of Ordinances of the Township of Mount Joy,” as subsequently amended, shall remain in all other respects in full force and effect.

SECTION 15: If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance or the “Code of Ordinances of the Township of Mount Joy,” as subsequently amended, as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or the “Code of Ordinances of the Township of Mount Joy,” as subsequently amended.

SECTION 16: In the event any provision added by this Ordinance to the “Code of Ordinances of the Township of Mount Joy,” as subsequently amended, has been numbered, lettered or otherwise designated out of sequence, the same shall be corrected and/or correctly numbered, lettered or designated upon discovery of same.

SECTION 17: This amendment shall take effect and be in force after its enactment by the Board of Supervisors of the Township of Mount Joy as provided by law.

DULY ENACTED AND ORDAINED this ____ day of _____, 2025, by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY
Lancaster County, Pennsylvania

ATTEST: _____
(Assistant) Secretary

By: _____
(Vice) Chairman

(Township Seal)