

CONEWAGO TOWNSHIP
YORK COUNTY

ORDINANCE NO. 362

AN ORDINANCE AMENDING THE CONEWAGO TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 322, AS AMENDED, TO ADD DEFINITIONS OF “CONDITIONAL USE” AND “MASTER PLAN DEVELOPMENT,” ALLOW MASTER PLAN DEVELOPMENT AS A USE PERMITTED BY CONDITIONAL USE WITHIN THE VILLAGE ZONE, ESTABLISH GENERAL PROCEDURES AND CRITERIA FOR THE APPROVAL OF CONDITIONAL USES, ESTABLISH SPECIFIC CRITERIA FOR THE APPROVAL OF MASTER PLAN DEVELOPMENTS, AND REZONING (1) A PORTION OF TAX PARCEL NO. 23000MH01140000000 FROM THE AGRICULTURE ZONE TO THE VILLAGE ZONE AND (2) ALL OF TAX PARCEL NO. 23000MH01160000000 FROM THE MEDIUM RESIDENTIAL ZONE TO THE VILLAGE ZONE.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Conewago Township, York County, Pennsylvania, as follows:

SECTION 1. ARTICLE II, Section 201 is hereby revised to add the following definitions of “Conditional Use” and “Master Plan Development” to be inserted into the list of specific words and phrases with proper location and alphabetical order:

Conditional Use – A use that is consistent with a particular zone after the specified criteria have been met. Conditional uses are listed by zone in ARTICLE III and approved by the Board of Supervisors in accordance with Section 507 of this Ordinance.

Master Plan Development – The development of an area of land with a mix of commercial, institutional, industrial, and/or residential uses and approved pursuant to Section 507 and ARTICLE VI-A of this Ordinance.

SECTION 2. ARTICLE III, Section 305 is hereby revised to add the following Section 305.k:

k. Uses permitted by Conditional Use: Master Plan Developments shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board of Supervisors shall hear and decide requests for such uses according to the criteria established in this Ordinance.

SECTION 3. ARTICLE V is hereby revised to add the following Section 507:

Section 507 Conditional Uses

- a. Filing of Conditional Uses: For any use permitted as a conditional use, a conditional use approval must be obtained from the Board of Supervisors. The conditional use application must contain the information as may be required by this Ordinance.
- b. Referral to Planning Commission: All applications for a conditional use approval shall be referred to the Township Planning Commission for review.
- c. Conditions: The Board of Supervisors in approving conditional use applications may attach conditions considered necessary to protect the public welfare and as necessary to implement the Comprehensive Plan, including conditions that are more restrictive than those established for other uses in the same zone.
- d. General Criteria for Approval of Conditional Uses: The Board of Supervisors may issue, upon application, only such conditional use approvals that the Board of Supervisors by the provisions of this Ordinance is specifically authorized to issue. Conditional use approval shall be subject to the same standards and criteria applied by the Zoning Hearing Board in the approval of Special Exceptions pursuant to Section 504.f of this Ordinance. The applicant seeking approval for a conditional use shall demonstrate, as a condition to approval of the application, compliance with the criteria set forth in Section 504.f and those criteria specified elsewhere in this Ordinance for the use in question.
- e. Burden of Proof: The applicant for a conditional use shall have the burden of proof, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Board of Supervisors.
- f. Special Standards: In addition to the general standards for all conditional uses referenced in Section 507.d of this Ordinance, the specific standards for the particular uses as listed in Article VI-A of this Ordinance must be met prior to the granting of a conditional use approval.
- g. Procedures for Conditional Use Applications. The Board of Supervisors shall act in accordance with the procedures specified in by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All applications

for conditional uses made to the Board of Supervisors shall be in writing and on forms prescribed by the Board of Supervisors. Every application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the use for which the conditional use approval is sought together with all other materials as may be required by this Ordinance. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

- h. Filing of Applications. All conditional use applications, together with the required filing fee as established by the Board of Supervisors, shall be submitted to the Zoning Officer.

SECTION 4. ARTICLE VI-A is hereby added to the Conewago Township Zoning Ordinance as follows:

ARTICLE VI-A
STANDARDS FOR CONDITIONAL USES

Section 601-A Requirement of Specific Standards

In addition to the general standards for all conditional uses as contained in Section 507, the specific standards for the particular uses allowed by conditional use are set forth in this Article. These standards must be met prior to the granting by the Board of Supervisors of a conditional use for such uses in applicable zones.

Section 602-A Master Plan Development

- a. Master Plan Developments are permitted uses by conditional use approval in the V Zone subject to the provisions of Section 507 and this Article.
- b. The purpose of the Master Plan Development approval process is to encourage owners to unite or assemble large parcels of land to create a coordinated and well-conceived development which otherwise may not be created on small parcels of land. A Master Plan Development is an optional mechanism that permits owners and the Township to promote and encourage ingenuity in the layout and design of coordinated projects to more effectively improve and enhance sensitive natural resources, open spaces, existing infrastructure, connectivity, and smart growth principles, by allowing flexibility in the site layout from the dimensional requirements in the V Zone.

- c. At least 90 days before the submission of a conditional use application for a Master Plan Development, applicants desiring conditional use approval for a Master Plan Development are required to schedule and conduct an informal pre-application meeting with the Zoning Officer and other members of the Township's staff (such as Township engineer and solicitor) to present and review a sketch plan of the Master Plan Development and discuss the application and hearing process. The sketch plan shall be reviewed for discussion purposes only by the Planning Commission and the Board of Supervisors in public session and any recommendations made in such public sessions shall not be binding upon the Township. Also, the sketch plan shall be submitted to the York County Planning Commission as well as any other entity that the Zoning Officer deems appropriate including, without limitation, affected school districts, fire companies, and police forces.

Section 603-A Master Plan Development Conditional Use Application

In addition to the requirements under Sections 507.g and 507.h of this Ordinance, an application for a conditional use approval of a Master Plan Development shall include the following:

- a. A master plan, which shall be prepared by a licensed civil engineer, landscape architect, or surveyor, on one or more full size plan sheets at a minimum scale of 1 inch equals 200 feet, and includes the following information:
 1. Boundaries of all of the land subject to the Master Plan Development with the names, deed references, recorded plan references, and tax parcel numbers of all owners, together with the names, deed references, recorded plan references, and tax map parcels of all abutting land owners and any platting of adjoining land to the Master Plan Development.
 2. The name of the proposed development and names, phone numbers, email addresses, and mailing addresses of the landowner, developer, and the persons who prepared the plan.
 3. The proposed street pattern including the names, paving, and right-of-way widths of all streets and the widths and locations of areas to be dedicated to

the Township or PennDOT or owned as private streets.

4. The general layout of lots or units, where appropriate, including the dimensions, lot areas, maximum permitted coverages, identifying numbers and yard areas, together with information identifying the general location of commercial, institutional, industrial, and/or residential uses (as applicable) for each lot or groups of lots within the Master Plan Development.
 5. The general location, predicted use, height, and square footage for every proposed building, including a color-coded method to highlight the proposed uses and a numeric method to identify proposed building types keyed into a legend.
 6. The general location of all off-street parking spaces and the total number of spaces to be provided.
 7. The general location, size, and types of improvements proposed for all common open space and recreation facilities, together with the proposed ownership and maintenance arrangements for such open space and recreation facilities.
 8. The general location and width of sidewalks, pedestrian walkways, trails, crosswalks and bicycle paths.
 9. A breakdown of the types and percent of the types of residential structures in the Master Plan Development. The breakdown will include the percentage of single family homes compared to multi-family homes.
 10. Proposed setback lines for each lot.
 11. Existing features, including but not limited to: roads, bridges, culverts, railroads, rights-of-way, easements, utilities, and pipelines, and the proposed changes to those features.
- b. A landscaping plan depicting all proposed wooded areas, buffer yards, screening, open space plantings and other vegetative areas.

- c. A summary of all existing and proposed covenants, declarations, reciprocal easements, and other private land use and development encumbrances.
- d. A narrative describing the extent to which the proposed Master Plan Development deviates from the dimensional regulations of Section 305 and other applicable regulations within this Ordinance, including, without limitation, parking regulations and signage regulations.
- e. A narrative describing the anticipated requested modifications of the design standards under Article V of the Conewago Township Subdivision and Land Development Ordinance.
- f. A plan book to illustrate commercial and residential building exterior, building types, elevations, building siting, and typical cross street sections.
- g. Traffic impact study.
- h. Anticipated water usage and sewer flows, including will serve letters with respect to public water and public sewer.
- i. Proposed phasing schedule outlining the anticipated dates in which each phase or section of the Master Plan Development will be submitted for preliminary plan approval and final plan approval, and completion of infrastructure and site work and completion of vertical construction. To the extent that the Master Plan Development is proposed to be phased, the development of the recreation and open space areas shall be phased in relationship to the overall Master Plan Development based on the number of residential units proposed (i.e., if 20% of the residential units are proposed in the first phase, then 20% of the total proposed recreation area and 20% of the open space area are required to be included in the first phase).
- j. Areas and percentage of total land area designed for commercial, residential (single-family), residential (multi-family), and industrial uses.
- k. Areas and percentage of total land area designated for public recreation land and areas and percentage of total land area designated for common open space.

- l. Conceptual layout and preliminary sizing of all stormwater management facilities.
- m. Assessment of economic impact of the Master Plan Development on the affected public school systems.

Section 604-A Approval Criteria for Master Plan Development

In addition to the general standards for all conditional uses contained in Section 507, the following standards shall be met prior to the granting of a conditional use approval for a Master Plan Development:

- a. The Master Plan Development area shall:
 1. Be greater than one hundred (100) acres;
 2. Be owned or controlled by a single entity;
 3. Have frontage abutting on a public road of at least three hundred (300) feet; and
 4. Be served by public water and public sewer.
- b. The proposed uses within the proposed Master Plan Development shall be limited to (i) those uses permitted by right or by Special Exception within the V Zone, (ii) hotel, (iii) light manufacturing as defined in Section 307.b.11, and/or (iv) advertising signs subject to the regulations in Section 402.d (provided that advertising signs are located within fifty (50) feet of road frontage existing prior to the Master Plan Development). To the extent any proposed use is permitted pursuant to this Subsection b, such use must satisfy the applicable specific standards in Article VI of this Ordinance (subject to dimensional deviations identified in the application and approved pursuant to Section 605-A).
- c. To the extent that the proposed Master Plan Development area consists of multiple lots and tax parcels, the applicant shall, as a condition of conditional use approval for the proposed Master Plan Development, consolidate such lots and tax parcels into one (1) lot and tax parcel pursuant to the requirements of the Conewago Township Subdivision and Land Development Ordinance. Nothing herein shall prevent future subdivision of the Master Plan Development area and/or submission of the Master Plan Development area to a planned community or condominium form of

ownership pursuant to the Pennsylvania Uniform Planned Community Act (68 Pa. C.S. §§ 5101, et seq., as amended) and Pennsylvania Uniform Condominium Act (68 Pa. C.S. §§ 3101, et seq., as amended).

- d. Lot area and width, setbacks, building height, lot coverage, and open area within the proposed Master Plan Development shall be compliant with Section 305 of this Ordinance (subject to deviations identified in the application and approved pursuant to Section 605-A).
- e. Signage within the proposed Master Plan Development shall be compliant with Section 402 of this Ordinance (subject to deviations identified in the application and approved pursuant to Section 605-A).
- f. Parking within the proposed Master Plan Development shall be compliant with Section 405 of this Ordinance (subject to deviations identified in the application and approved pursuant to Section 605-A).
- g. The proposed Master Plan Development shall be generally consistent with the design standards in the Conewago Township Subdivision and Land Development Ordinance (subject to the anticipated modifications identified in the application and approved pursuant to Section 605-A).

Section 605-A Deviations and Modifications from Ordinances

- a. Should an applicant identify within its application proposed deviations from the dimensional, parking, lot coverage, or signage regulations in this Ordinance, the Board of Supervisors may approve the conditional use of the Master Plan Development with such deviations provided that the Board of Supervisors finds that the proposed Master Plan Development with such deviations promotes orderly development within the Township and does not adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the general neighborhood, or the reasonable use of neighboring properties.
- b. Except as otherwise authorized pursuant to Sections 602-A through 607-A, any variances of the zoning requirements, if

requested by an applicant, shall only be made by the Zoning Hearing Board as a variance.

- c. Should an applicant identify within its application proposed modifications from the design criteria in the Conewago Township Subdivision and Land Development Ordinance, the Board of Supervisors may approve the conditional use of the Master Plan Development with such modifications provided that the Board of Supervisors finds that the proposed Master Plan Development with such modifications promotes orderly development within the Township and does not adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the general neighborhood, or the reasonable use of neighboring properties.

Section 606-A Effect of Approval of Conditional Use of Master Plan Development

- a. The written decision granting conditional use approval and setting forth the conditions attached thereto together with the approved master plan for the Master Plan Development (as revised to address all applicable conditions for approval set forth in the written decision) shall be recorded in the York County Recorder of Deeds Office within ninety (90) days of the issuance of such written decision.
- b. An applicant may develop in accordance and consistent with the conditional use approval of the Master Plan Development for a period of ten (10) years following the date of the conditional use approval or such longer period as may be set forth in the approved application's phasing schedule subject to conditions set forth thereon, and no subsequent change in the zoning ordinance shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the Master Plan Development in accordance with the terms of the conditional use approval within such time period.
- c. Following the conditional use approval of a Master Plan Development, an applicant must still obtain all necessary approvals under the Conewago Township Subdivision and Land Development Ordinance and all other applicable federal, state, and local ordinances governing the Master Plan Development prior to the commencement of site work or vertical construction; provided, however, that an

applicant shall be entitled to receive any waivers identified in Section 605-A(c) subject to the conditions set forth in the conditional use approval.

Section 607-A Deviations and Modifications from approved Master Plan Development

- a. When approving a subdivision and/or land development plan for real estate that is part of an approved Master Plan Development, the Board of Supervisors, upon the written request of an applicant, may approve reasonable modifications to the Master Plan Development as part of approving a subdivision and/or land development plan, provided such modifications:
1. are not contrary to the public interest;
 2. provide efficient development and preservation of the entire area constituting the Master Plan Development;
 3. do not adversely affect the enjoyment of land abutting or across the street from the Master Plan Development;
 4. do not adversely affect the public health, safety, welfare or other public interests in the Master Plan Development;
 5. are not requested solely to confer a special benefit upon any person;
 6. do not substantially change internal traffic patterns or principal building locations (examples of substantial changes include: having a difference of +10% length of road, increasing the number of parking spaces by 5%, and/or relocating a bike path to a different right-of-way than what is illustrated on the approved master plan);
 7. do not exceed the maximum number of residential dwellings or square footage of industrial or commercial space proposed in the Master Plan Development;
 8. do not change the boundaries of the Master Plan Development area;

9. do not add more than 3,000 square feet of additional principal floor area to a proposed non-residential building or structure;
10. support the minimum parking requirements of a proposed use;
11. do not change the number or percent of single-family homes compared to multi-family homes by more than two percent (2%); and
12. are adequately addressed in the comprehensive storm water management plan.

b. The proposed use of any structure(s) identified on the approved master plan for a Master Plan Development may be changed to another use without approval from the Board of Supervisors provided that such use falls within the category or list of potential uses identified for the applicable lot or area in the Master Plan Development and (ii) approval and issuance of an occupancy permit for the applicable structure is obtained.

c. The proposed use of any structure(s) identified on the approved master plan for a Master Plan Development may be changed to another use permitted by Special Exception or Conditional Use in the applicable zoning district provided:

1. the proposed change in use is submitted to the appropriate board for review and approved;
2. the express conditions of a Special Exception or Conditional Use, as applicable, do not conflict with the final approved master plan for the Master Plan Development; and
3. where changes in elements of the final approved master plan for the Master Plan Development are necessary to comply with the express conditions of a use permitted by Special Exception and/or Conditional Use, the applicant shall provide an amended master plan for approval reflecting the revisions required to comply with the conditions of such Special Exception and/or Conditional Use (as applicable). Where a new Conditional Use is requested, the review of such application and amended master plan may be combined into a single proceeding. Where amendments to a master plan are required to enable a Special Exception, the amended

master plan must first be approved by the Board of Supervisors prior to Zoning Hearing Board approval.

d. Where amendments to a final approved master plan for a Master Plan Development is either required by this Ordinance or requested by an applicant, such changes shall be processed in accordance with Section 507 and Article VI-A as applicable and necessary to reflect the elements and features being modified and deviating from the previously approved master plan. A narrative summarizing all plan modifications shall be provided to the Board of Supervisors and any approved amendments to the Master Plan Development shall be recorded in the York County Recorder of Deeds Office within ninety (90) days of the issuance of a written decision approving such amendment.

SECTION 5. Rezoning. The Official Conewago Township Zoning Map is hereby amended as follows:

a. The portion of Tax Parcel No. 23000MH01140000000 currently located within the Agriculture Zone is hereby rezoned to be located within the Village Zone, the intent being that all of such referenced parcel shall be located within the Village Zone.

b. All of Tax Parcel No. 23000MH1160000000 currently located within the Medium Density Residential Zone is hereby rezoned to be located within the Village Zone.

SECTION 6. Repealer. The passage of this Ordinance amending in part the Conewago Township Zoning Ordinance, Ordinance No. 322, as amended, shall in no way be deemed to invalidate or repeal any provisions of said Ordinance, except as specifically provided for herein.

SECTION 7. Severability. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 8. Effective Date. This Ordinance shall be effective five (5) days after adoption.

ORDAINED AND ENACTED this 1 day of September, 2020.

Garreta R. Wilshire
Chairperson

B. Kly-
Vice Chairperson

Member

Attest: Todd M. Smith
Secretary