

**BOROUGH OF ELIZABETHTOWN
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 999

**AN ORDINANCE OF THE BOROUGH OF ELIZABETHTOWN, LANCASTER
COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES, BOROUGH
OF ELIZABETHTOWN, CHAPTER 27 "ZONING" TO
PROVIDE FOR NEW LOT AREA, LOT WIDTH, SETBACK, AND IMPERVIOUS
COVERAGE REQUIREMENTS, AS WELL AS OTHER SPECIFIC CRITERIA, FOR
CERTAIN APARTMENT DWELLINGS IN THE MU MIXED-USE DISTRICT**

WHEREAS, a purpose of the MU Mixed-Use District ("MU District") is to "permit coordinated development that includes a mixture of retail, cultural, service, office, residential and institutional uses," in part by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, design, and location warrants; and

WHEREAS, the majority of the MU District is located in the southwestern quadrant of the Borough; and

WHEREAS, many lots within the MU District are not dimensionally conducive to the type of high density residential and/or commercial developments that are otherwise permitted in the MU District; and

WHEREAS, the Zoning Ordinance currently requires high density residential uses, such as apartments, to comply with the lot dimensional and lot coverage requirements applicable to the R3 – High-Density Residential District ("R3 District"); and

WHEREAS, the requirements applicable to the R3 District do not contemplate the incorporation of high-density, mixed residential and nonresidential uses that are permitted in the MU District or the dimensional challenges that affect many lots in the MU District, which in turn renders many of the standards in the R3 District impossible to meet for mixed-use development projects; and

WHEREAS, in order to spur mixed residential and nonresidential development of properties within the MU District, and to better conform the applicable requirements to such projects by addressing the challenges pertaining to lot size, lot coverage, setbacks, and other dimensional issues affecting lots in the MU District, the Borough Council desires to amend the Zoning Ordinance as set forth herein.

NOW, THEREFORE, the following amendments to the Zoning Ordinance of the Borough of Elizabethtown are hereby ordained and enacted by the Borough Council of the Borough of Elizabethtown:

1. Section 12A06 is hereby amended to delete and replace subsection (3) and to add a new subsection (4), as follows:

3. With the exception of apartment houses/apartment dwellings constructed on lots equal to or greater than 1 acre in size, which shall comply with the requirements of Section 12A06.4. below, all construction of residential units must comply with the lot area, lot width, lot depth, and coverage regulations as outlined in Chapter 27, Part 8, § 807, Subsections 1 and 2, as they apply to the uses above.
4. Apartment houses/apartment dwellings constructed on lots equal to or greater than 1 acre in size shall comply with the following:
 - A. Lot area, lot width and lot depth requirements of not less than the following dimensions shall be provided for each apartment house or apartment dwelling structure or use hereafter erected, established or altered for any use permitted within this district.

Use	Lot Width			
	Lot Area (square feet)	Street (feet)	Setback (feet)	Lot Depth (feet)
Apartment dwellings	1,000/unit	55	55	100

- B. Coverage regulations. Lot coverage shall not exceed 70%. The remainder of the lot must be maintained in a vegetative cover or natural state.

2. Section 12A13.1 is hereby amended to delete existing paragraph A and insert new paragraphs A and B which shall provide as follows:
 - A. With the exception of apartment houses/apartment dwellings constructed on lots equal to or greater than 1 acre in size in this district, lot area, width, and depth regulations as outlined in Chapter 27, Part 8, § 807, Subsections 1 and 2, apply for residential uses in this district.
 - B. Lot area, width, and depth regulations as set forth in Section 12A06.4 shall apply for apartment houses/apartment dwellings constructed on lots equal to or greater than 1 acre in size in this district.
3. Section 12A14.1.A. is hereby amended to delete subsections (1) and (2) and to add the following as new Section 12A14.1.A. in their place and stead:
 - A. Front yard: None; provided, however, that any new building constructed on a lot within this district or any substantially reconstructed or altered building shall maintain a front-yard setback between 0 feet to 20 feet based upon the predominant setbacks of neighboring buildings within the same block.
4. Section 12A14.1.B is hereby amended to add a new subparagraph (4), as follows:

- (4) A mixed residential and non-residential use must maintain a side-yard setback of eight feet on both sides.
5. Section 12A15 is hereby amended and restated as follows:

Lot coverage for all uses in the district shall not exceed 65%, except as provided for in Section 12A06.4.B. The remainder of the lot must be maintained in a vegetative cover or natural state.
6. Section 1504.1 is hereby amended and restated as follows:
 1. Where permitted, or permitted as a conditional use, all newly constructed apartments, other than apartments constructed in the Mixed-Use District on lots equal to or greater than 1 acre in size, shall comply with the following:
7. Section 1504 is hereby amended to add a new Subsection 1504.2 "Apartments constructed in the MU Mixed-Use District on lots equal to or greater than 1 acre in size," as follows:
 2. Apartments constructed in the MU Mixed-Use District on lots equal to or greater than 1 acre in size. Apartment dwellings/apartment houses constructed in the Mixed Use District on lots equal to or greater than 1 acre in size shall be permitted as a conditional use pursuant to Section 12A06 and subject to the following requirements:
 - A. There shall be not more than forty-eight (48) dwelling units per building.
 - B. No apartment dwelling/apartment house building shall be in excess of five stories in height.
 - C. No apartment dwelling/apartment house building shall have an apartment in the basement and/or below ground level of the structure.
 - D. Off-street parking shall be provided in accordance with the provisions of Part 16.
 - E. A visual structural break in building face shall be provided between every four dwelling units with separate entrances and/or townhouse-type structures, such as a walkway or an offset.
 - F. Trash and recycling receptacles shall not be visible from the street or adjoining properties.
 - G. The facade of the building shall be maintained in a consistent manner so as not to disrupt the streetscape of the surrounding neighborhood in the Mixed Use District.

- H. The minimum habitable floor area of each dwelling unit shall be provided in accordance with the Borough's Existing Structures and Property Maintenance Code (Chapter 5, Part 1, and § 116). In addition, the structures in general and each unit shall conform to the Borough's Existing Structures and Property Maintenance Code (Chapter 5, Part 1), as amended from time to time.

8. Section 1602.A. is hereby amended to revise paragraph 16 to provide as follows:

Uses

Required Parking Spaces

1. Residential Dwellings.

Apartment dwellings/apartment houses

The greater of: (i) 0.75 per bedroom per dwelling unit or (ii) 1.5 per dwelling unit


All other dwellings

2 per dwelling unit


9. **Effective Date.** This Ordinance shall become effective after enactment as provided by law.
10. All other sections, parts and provisions of the Code of Ordinances of the Borough of Elizabethtown shall remain in full force and effect as previously enacted.

ENACTED AND ORDAINED, this 18 day of June 2020.

ATTEST:



Secretary

BOROUGH OF
ELIZABETHTOWN

By: 

Name: J. Marc Hershey
(Vice) President
Borough Council

EXAMINED and approved as an Ordinance this 18 day of June, 2020.


Mayor