

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: (I) TO CHANGE THE ZONE CLASSIFICATIONS FOR THE TRACTS OF LAND IDENTIFIED AS TAX PARCEL ID. NOS. (AND ADDRESSES) 4611537900000 (1650 Steel Way Dr.) FROM THE LI- LIGHT INDUSTRIAL DISTRICT (“LI-DISTRICT”), 4617398800000 (1322 CLOVERLEAF ROAD) FROM THE LI-DISTRICT AND A- AGRICULTURAL DISTRICT (“A-DISTRICT”), 4618992200000 (2843 MOUNT PLEASANT ROAD) FROM THE LI-DISTRICT, AND 4615256000000 (1311 SCHWANGNER ROAD) FROM THE A-DISTRICT (COLLECTIVELY, “PROPERTY”), TO THE GI- GENERAL INDUSTRIAL DISTRICT (“GI-DISTRICT”); (II) TO AMEND THE PERMITTED-BY-RIGHT USES IN THE GI-DISTRICT; (III) TO AMEND THE SPECIAL EXCEPTION USES IN THE GI-DISTRICT; (IV) TO AMEND SECTIONS 135-305 AND 135-326; AND (V) ADD SECTION 135-275 TO PROVIDE FOR SPECIFIC LIMITATIONS AND REGULATIONS FOR INDUSTRIAL USES INVOLVING WAREHOUSING, MANUFACTURING, PROCESSING, PACKAGING, PRODUCTION, WHOLESALING, STORAGE, DISTRIBUTION, OR REPAIR.

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 the Township of Mount Joy, Chapter 135 thereof, Zoning Article VI, 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. (and addresses) 4611537900000 (1650 Steel Way Dr.) from the LI-District, 4617398800000 (1322 Cloverleaf Road) from the LI-District and A-District, Property ID No. 4618992200000 (2843 Mount Pleasant Road) from the LI-District, and Property ID No. 4615256000000 (1311 Schwanger Road) from the A-District (collectively, “Property”), described by metes and bounds in Exhibit A and depicted on Exhibit B, to the GI-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.

SECTION 3: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XVIII, GI-General Industrial District, Section 135-172, Subsection E, shall be amended to provide as follows:

- E. Industrial uses involving warehousing, manufacturing, processing, packaging, production, wholesaling, storage, distribution or repair subject to all requirements of §135-275.

SECTION 4: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XVIII, GI-General Industrial District, Section 135-173, Subsection A, shall be amended to provide as follows:

- A. Reserved for future use.

SECTION 5: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXIII, General Regulations, Section 135-305, Steep slope regulations, Subsections C and D, shall be amended to provide as follows:

- C. Unless otherwise permitted pursuant to an E&S Plan, Stormwater Management Site Plan, or NPDES permit in accordance with Chapters 113 (Stormwater Management) and 119 (Subdivision and Land Development), any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.
- D. Grading requirements. Unless otherwise permitted pursuant to an E&S Plan, Stormwater Management Site Plan, or NPDES permit in accordance with Chapters 113 (Stormwater Management) and 119 (Subdivision and Land Development):
 - (1) Grading and earthmoving on all steep slopes shall not result in earth cuts or fills whose highest vertical dimensions exceed 10 feet, except if one of the following applies:
 - (a) Where no reasonable alternatives exist for construction of roads, drainage structures, and other public improvements, earth cuts and fills' highest vertical dimensions shall not exceed 20 feet.
 - (b) The maximum vertical dimension of cuts or fills does not apply if an engineered retaining wall is constructed. The retaining wall shall be subject to review and approval under the Uniform Construction Code.

SECTION 6: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXIII, General Regulations, Section 135-326 Performance and design standards for all nonresidential uses, Subsections D and N, shall be amended to provide as follows:

- D. No shipping or receiving shall be permitted within 600 feet of a residential zoning district or an existing residential development between the hours of 9:00 p.m. and 8:00 a.m, where loading spaces are oriented directly facing such residential zoning district or development.

- N. Unless located outside of the present and future public sewer service area as defined by the Official Sewage Facilities Plan of the Township, all industrial uses shall be provided with public wastewater disposal. The applicant shall provide information to the Zoning Hearing Board concerning the manner in which such public sewer service shall be provided. However, a special exception to this requirement may be granted if the applicant proves to the Zoning Hearing Board that such service is not necessary for the intended use and that extension of such service is not practical. In such case, the Township may require the installation of capped sewage lines that are constructed to Township specifications in a manner that would allow connection to the public sanitary sewerage system in the future. As an alternative, the Township may permit the posting of financial security to construct such lines at a future date to be determined by the Township.

SECTION 7: The Code of Ordinances of Mount Joy Township, Chapter 135, Zoning, Article XXII, Specific Use Regulations, shall be amended by inserting a new Section 135-275, Industrial uses involving warehousing, manufacturing, processing, packaging, production, wholesaling, storage, distribution, or repair, which shall provide as follows:

§135-275. Industrial uses involving warehousing, manufacturing, processing, packaging, production, wholesaling, storage, distribution, or repair

Industrial uses involving warehousing, manufacturing, processing, packaging, production, wholesaling, storage, distribution, or repair shall comply with all of the following regulations:

- A. If the lot is located within the GI-General Industrial District, it shall have at least one lot line located within 3,500 feet of an interchange for Route 283, measured in a straight line from the nearest portion of Route 283's right-of-way to the nearest lot line of the subject property.

- B. The facility shall provide sufficiently long stacking lanes and on-site loading and unloading areas so that trucks waiting to be loaded and unloaded will not stack or back up onto a public road.

- C. Any gates or other barriers shall be set back and arranged to prevent vehicle backups onto adjacent streets during peak arrival periods.

- D. Building height shall comply with §135-175.A, but shall not exceed 60 feet in any case.
- E. Buffering and screening shall be provided in accordance with §135-176.
- F. Accessory service or repair of onsite vehicles used as part of the facility is limited to locations within a completely enclosed building.
- G. The outdoor storage of unlicensed or uninspected motor vehicles is prohibited.
- H. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system shall not exceed the ambient noise levels of the use.
- I. The facility shall comply with the lighting regulations of §135-298.
- J. The operator of the facility shall enforce State limits on truck idling. See Act 124 of 2008. Additionally, any facility where diesel operated trucks periodically congregate must have in place an anti-idling policy, with a maximum idling time per truck of five minutes.

SECTION 8: 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 9: 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 10: 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 11: This amendment shall take effect and be in force five (5) days 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 _____, 2023, 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
Board of Supervisors

(Township Seal)

EXHIBIT 'A'

LEGAL DESCRIPTION OF THE PROPERTY THAT INCLUDES THE TRACTS OF LAND IDENTIFIED AS TAX PARCEL ID NOS. (AND ADDRESSES): (I) 4611537900000 (1650 STEEL WAY DR.); (II) 4617398800000 (1322 CLOVERLEAF ROAD); (III) 4618992200000 (2843 MOUNT PLEASANT ROAD); AND (IV) 4615256000000 (1311 SCHWANGNER ROAD), TO BE REZONED TO THE GI- GENERAL INDUSTRIAL DISTRICT.

ALL THAT CERTAIN piece, parcel, or tract of land situated on the East side of Cloverleaf Road, located in Mount Joy Township, Lancaster County, Pennsylvania, being known as Lot 1 - Block A, as shown on a Final Plan of Spring View Tract, prepared by David Miller Associates, Incorporated, Drawing No. 01-114, recorded in Subdivision Plan Book J-214, Page 103, said tract being more fully bounded and described as follows:

BEGINNING at a point in the centerline of Cloverleaf Road, said point being a corner of Lot 2; thence extending in and along Cloverleaf Road, North nine (09) degrees thirty-four (34) minutes forty-eight (48) seconds East, a distance of eighty-two and sixty-two hundredths (82.62) feet to a point, a corner of lands now or formerly of Myron P. Shevell, recorded in Subdivision Plan Book J-48, Page 19; thence extending along the same, and along lands now or formerly of Edward L. Hitz, recorded in Subdivision Plan Book J-68, Page 50, North seventy-four (74) degrees forty-six (46) minutes forty-nine (49) seconds East, a distance of one thousand thirty and seventy-seven hundredths (1030.77) feet to a post; thence continuing along lands of Hitz, North six (06) degrees twenty-eight (28) minutes eleven (11) seconds West, a distance of four hundred forty-five and fifteen hundredths (445.15) feet to a point, a corner of lands now or formerly of Roger M. Ragan and Deborah L. Potts-Ragan; thence extending along the same, the two (2) following courses and distances: (1) North sixty-seven (67) degrees five (05) minutes forty-seven (47) seconds East, a distance of eight hundred seventy-one and twenty-hundredths (871.20) feet to a point; and (2) South thirty-one (31) degrees fifty-seven (57) minutes thirteen (13) seconds East, a distance of two hundred thirty-seven and seven hundredths (237.07) feet to a point, thence continuing along lands now or late of Ragan, and extending along lands now or formerly of Jay H. Boll and Lois L. Boll, North sixty-seven (67) degrees thirty-eight (38) minutes forty-seven (47) seconds East, a distance of one thousand sixty and forty-three hundredths (1060.43) feet to a point, thence continuing along lands now or late of Boll, South twenty-eight (28) degrees forty-nine (49) minutes forty-three (43) seconds East, a distance of one thousand five hundred sixty-five and ninety-eight hundredths (1565.98) feet to a stone, a corner of lands now or formerly of P. Allen Sollenberger and Carolyn T. Sollenberger; thence extending along the same, South nine (09) degrees fifty-three (53) minutes one (01) second East, a distance of four hundred four and twenty-five hundredths (404.25) feet to a point, a corner of lands to be acquired by Spring View Poultry Producers, Inc.; thence extending along the same and along lands now or formerly of Arlin L. Balmer and Mary Jane Balmer, South seventy-nine (79) degrees nine (09) minutes twenty (20) seconds West, a distance of two thousand three hundred twenty-nine and forty-nine hundredths (2329.49) feet to a point; thence continuing along lands now or late of Balmer, and extending along lands now or formerly of David E. Miller and Stelle E. Miller, North sixty-five

(65) degrees forty (40) minutes twenty-four (24) seconds West, a distance of two hundred eighty-nine and seventy-eight hundredths (289.78) feet to a point, a corner of Lot 3; thence extending along the same, and along Lot 2, North nine (09) degrees forty-four (44) minutes fifty-four (54) seconds West, a distance of eight hundred sixty-one and eighty-two hundredths (861.82) feet to a point; thence continuing along Lot 2, the two (02) following courses and distances: (1) North sixty-two (62) degrees twenty-seven (27) minutes fifty-seven (57) seconds West, a distance of two hundred forty-seven and ninety-one hundredths (247.91) feet to a point; and (2) South seventy-four (74) degrees forty-six minutes forty-nine (49) seconds West, a distance of eight hundred one and eighty-six hundredths (801.86) feet to the place of BEGINNING.

CONTAINING 99.1746 acres.

ALL THAT CERTAIN message, plantation and tract of land, situate, lying and being in the Township of Mount Joy, Lancaster County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stump in the road, thence along said road by lands of Almus Earhart and John Newcomer, North 59-3/4 degrees West, 68.4 perches to a stone; thence by land of Witmer Eshleman, North 43-1/2 degrees West, 91.3 perches to a stone; and North 41-1/4 degrees East, 86.3 perches to a post; thence by land of Blaine Gantz, South 60-1/2 degrees East, 4.3 perches to a post; North 84-1/4 degrees East, 86 perches to a corner; and South 80 degrees East, 56.2 perches to a stone; thence by land of John Longenecker and Mary Martin, respectively, South 4-1/2 degrees East, 46.8 perches to a post; South 80-1/4 degrees West, 60.8 perches to a post; and South 18-3/4 degrees West, 59 perches to a stone; thence by lands of Amos Mumma, and now or late of Abram Young, respectively, South 5-1/4 degrees West, 49.8 perches to the place of Beginning.

CONTAINING 117 acres and 85 perches.

ALL THAT CERTAIN piece, parcel or tract of land situated on the northerly side of Schwanger Road, (T-843) located in Mount Joy Township, Lancaster County, Pennsylvania, as shown on an Exhibit Plan of Lands of William John and Frances S. Miller, prepared by David Miller/Associates, Incorporated, Drawing No. 05-210, dated 3/1/06, said tract being more fully bounded and described as follows:

COMMENCING at a rebar (found) at a corner of lands now or formerly of Clair S. Mummau and Jean M. Mummau as shown on the above referenced exhibit plan; thence extending along said Mummau lands South sixty-eight degrees fifty-three minutes fourteen seconds East one hundred seventy-seven and seventy-three hundredths feet (South 68 degrees, 53' 14" East 177.73') to a point within the road bed of Schwanger Road (T-843); thence continuing along said Mummau lands North fifty-one degrees twenty minutes zero seconds East forty-one and forty hundredths feet (North 51 degrees, 20'00" East 41.40') to a point in the centerline of Schwanger Road (T-843), the true point of BEGINNING; thence continuing extending from said point and

continuing along said Mummau lands the following three courses and distances: (1) North fifty-one degrees twenty minutes zero seconds East two hundred thirty-six and ninety-five hundredths feet (North 51 degrees, 20'00" East 236.95') to a point; (2) North seventy-four degrees twelve minutes fifty-five seconds East ninety-one and fourteen hundredths feet (North 74 degrees 12' 55" East 91.14') to a point; (3) North eighty-three degrees forty-three minutes fifty-five seconds East three hundred forty-two and twenty-five hundredths feet (North 83 degrees 43'55" East 342.25') to a point in the centerline of Schwanger Road (T-843); thence extending along said centerline South seventy-one degrees four minutes thirteen seconds West six hundred forty-seven and ninety-six hundredths feet (South 71 degrees, 04' 13" West 647.96') to the point of BEGINNING.

CONTAINING 28.503 Square Feet (0.654).

[THE REMAINING LEGAL DESCRIPTION FOLLOWS.]

ALL THAT CERTAIN tract or parcel of land being situate in the Township of Mount Joy, Lancaster County, Pennsylvania and being shown as Lot 1 on a Final Subdivision and Land Development Plan for Greiner Industries, Inc. prepared by D.C. Gohn Associates, Inc. (Drawing No. CG-2689), and recorded in the Recorder of Deeds Office of Lancaster County, Pennsylvania on June 10, 2008, in Subdivision Plan Book J-234, Page 14; and all the same being more fully bounded and described as follows, to wit:

BEGINNING at a point in the right-of-way of Miller Road (T-835), thence in and along Miller Road (T-835) on a course of North 61 degrees 39 minutes 22 seconds East a distance of

350.72 feet to an iron pin; thence continuing along the lands of Donald H. and Dorothy M. Strickler on a course of North 62 degrees 01 minutes 37 seconds East a distance of 339.90 feet to a point in the bed of Mount Pleasant Road (SR- 4010); thence in and along Mount Pleasant Road (SR-4010) on a course of South 48 degrees 24 minutes 07 seconds East a distance of 2099.35 feet to a point; thence leaving Mount Pleasant Road (SR-4010) and continuing along the North line of lands of Franklin B. Greiner, Jr. the following 2 courses and distances: (1) on a course of South 58 degrees 29 minutes 22 seconds West a distance of 676.50 feet to an iron pin; (2) on a course of South 58 degrees 22 minutes 00 seconds West a distance of 1192.21 feet to an iron pin on the East right-of-way of Pa Route 283 (SR-0300); thence along the East right-of-way line of Pa Route 283 (SR-0300) the following 2 courses and distances: (1) on a course of North 46 degrees 14 minutes 22 seconds West a distance of 577.50 feet to an iron pin; (2) on a course of North 37 degrees 34 minutes 24 seconds West a distance of 625.37 feet to an iron pin; thence along the South line of lands of Kinsey Realty the following 2 courses and distances: (1) on a course of South 85 degrees 12 minutes 24 seconds East a distance of 460.67 feet to an iron pin; (2) on a course of North 27 degrees 39 minutes 16 seconds East a distance of 368.51 feet to a concrete monument on the right-of-way of Steel Way Drive (T-834); thence continuing along the right-of-way line of Steel Way Drive (T-834) the following 3 courses and distances: (1) on a line curving to the left having a radius of 62.00 feet with an arc length 270.65 feet said arc being subtended by a chord of North 03 degrees 36 minutes 01 seconds East a distance of 101.51 feet to a point; (2) on a line curving to the right having a radius of 35.00 feet with an arc length of 42.82 feet said arc being subtended by a chord of North 86 degrees 24 minutes 12 seconds West a distance of 40.20 feet to a point; (3) on a course of North 51 degrees 20 minutes 40 seconds West a distance of 255.24 feet to a point; thence continuing along Lot 2 the following 5 courses and distances: (1) on a line curving to the left having a radius of 50.00 feet with an arc length of 78.52 feet said arc being subtended by a chord of North 83 degrees 40 minutes 05 seconds East a distance of 70.70 feet to a point; (2) on a course of North 38 degrees 40 minutes 51 seconds East a distance of 74.13 feet to a point; (3) on a line curving to the right having a radius of 205.00 feet with an arc length of 105.18 said arc being subtended by a chord of North 53 degrees 22 minutes 47 seconds East a distance of 104.03 feet to a point; (4) on a course of North 68 degrees 04 minutes 44 seconds East a distance of 109.10 feet to a point; (5) on a course of North 48 degrees 25 minutes 11 seconds West a distance of 374.95 feet to an iron pin the Southwest corner of lands of Kenneth D. and Michelle L. Myers; thence along the lands of Kenneth D. and Michelle L. Myers the following 3 courses and distances: (1) on a course of North 47 degrees 29 minutes 05 seconds East a distance of 98.01 feet to an iron pin; (2) on a course of North 32 degrees 44 minutes 58 seconds West a distance of 222.33 feet to a railroad spike in the bed of Miller Road (T-835); (3) thence in and along the bed of Miller Road (T-835) on a course of South 61 degrees 39 minutes 21 seconds West a distance of 167.73 feet to a railroad spike the Northwest corner of property of Kenneth D. and Michelle L. Myers; thence crossing the bed of Miller Road (T-835) on a course of North 48 degrees 25 minutes 11 seconds West a distance of 14.39 feet to a point, the point or place of BEGINNING.

CONTAINING an area of 2,654,743.9 square feet or 60.94 acres of land.

ALL THAT CERTAIN tract or parcel of land being situate in the Township of Mount Joy, Lancaster County, Pennsylvania as shown as Lot 2 on a Final Subdivision and Land Development Plan for Greiner Industries, Inc. prepared by D.C. Gohn Associates, Inc (Drawing No. CG-2689), recorded in the Recorder of Deeds Office of Lancaster County, Pennsylvania on June 10, 2008, in Subdivision Plan Book J-234, Page 14; and all the same being more fully bounded and described as follows, to wit:

BEGINNING at a point in the centerline of Miller Road (T-835) the Northwest corner of Lot 2; thence along the centerline of Miller Road (T-835) on a course of North 61 degrees 39 minutes 20 seconds East a distance of 178.62 feet to a railroad spike found at the Northwest corner of lands of Kenneth D. and Michelle L. Myers; thence along the West line of lands of Kenneth D. and Michelle L. Myers and Lot 1 on a course South 48 degrees 25 minutes 11 seconds East a distance of 636.51 feet to a point on the proposed right-of-way line of a future street; thence along the right-of-way line of the future street the following 4 courses and distances; (1) on a course of South 68 degrees 04 minutes 44 seconds West a distance of 109.10 feet to a point; (2) on a line curving to the left having a radius of 205.00 feet with an arc length of 105.18 feet said arc being subtended by a chord of South 53 degrees 22 minutes 47 seconds West a distance of 104.03 feet to a point; (3) on a course of South 38 degrees 40 minutes 51 seconds West a distance of 74.13 feet to a point; (4) on a line curving the right having a radius of 50.00 feet with an arc length of 78.52 feet said arc being subtended by a chord of South 83 degrees 40 minutes 05 seconds West a distance of 70.70 feet to a point on the right-of-way line of Steel Way Drive (T-834); thence along the right-of-way line of Steel Way Drive the following 4 courses and distances: (1) on a course of North 51 degrees 20 minutes 40 seconds West a distance of 96.07 feet to a point; (2) on a line curving to the right having a radius of 370.00 feet with an arc length of 148.53 feet said arc being subtended by a chord of North 39 degrees 50 minutes 40 seconds West a distance of 147.53 feet to a point; (3) on a course of North 28 degrees 20 minutes 40 seconds West a distance of 325.03 feet to a point; (4) by a line curving to the right having a radius of 15.00 feet with an arc length of 23.56 feet said arc being subtended by a chord of North 16 degrees 39 minutes 20 seconds East a distance of 21.21 feet to a point on the right-of-way line of Miller Road (T-835); thence leaving the right-of-way line of Miller Road (T-835) on a course of North 28 degrees 20 minutes 40 seconds West a distance of 30.00 feet to a point the point or place of **BEGINNING**.

CONTAINING an area of 176,742 square feet or 4.1 acres of land which includes all easements and right-of-ways.

EXHIBIT 'B'

DEPICTION THE PROPERTY THAT INCLUDES THE TRACTS OF LAND IDENTIFIED AS TAX PARCEL ID NOS. (AND ADDRESSES): (I) 4611537900000 (1650 STEEL WAY DR.); (II) 4617398800000 (1322 CLOVERLEAF ROAD); (III) 4618992200000 (2843 MOUNT PLEASANT ROAD); AND (IV) 4615256000000 (1311 SCHWANGNER ROAD), TO BE REZONED TO THE GI- GENERAL INDUSTRIAL DISTRICT.

