

**§ 270-3.8. Village Center Zone (VC).**

- A. Statement of intent: This zone recognizes East Hempfield Township's original residential, commercial and mixed-use settlement pattern within its village areas. This established pattern of development includes higher intensities of development that integrates a mix of business and residential uses. The Village Center Zone provides opportunities for redevelopment, infill and reuse of existing, particularly historic structures.
- B. Permitted uses: The following are uses permitted by right, subject to all other applicable standards of this chapter, including but not limited to specific use provisions in Article 5.
  - (1) Agricultural uses:
    - (a) Forestry activities.
    - (b) Horticultural operations.
  - (2) Residential uses:
    - (a) Group home.
    - (b) Multifamily dwelling.
    - (c) Single-family detached dwelling unit.
    - (d) Single-family semidetached dwelling (duplex).
    - (e) Townhouse.
    - (f) Two-family conversions.
  - (3) Business uses:
    - (a) Amusement, fitness, and entertainment businesses.
    - (b) Bed-and-breakfasts.
    - (c) Convenience stores.
    - (d) Day-care services, commercial.
    - (e) Finance and insurance.
    - (f) Funeral homes.
    - (g) Grocery store.
    - (h) Industrial, light.

- (i) Lodging and overnight accommodations.
  - (j) Mixed-use building.
  - (k) (Reserved)<sup>1</sup>
  - (l) Performing arts and related industry.
  - (m) Private club.
  - (n) Professional, scientific and technical offices.
  - (o) Restaurants.
  - (p) Retail sales, service and repair.
  - (q) Shopping complex.
  - (r) Veterinary clinic.
  - (s) Car wash and detailing. [Added 5-1-2019 by Ord. No. 2019-07]
- (4) Civic/social/utility uses:
- (a) Community activity buildings.
  - (b) Municipal use.
  - (c) Park and recreation facilities, public.
  - (d) Place of worship, local.
  - (e) Public use.
  - (f) Public utilities.
  - (g) School, K-9 and 9-12.
  - (h) School, post-secondary.
- (5) Accessory uses customarily incidental to the above permitted uses:
- (a) Alternative energy systems, accessory.
  - (b) Home-based business, no-impact.
  - (c) Personal communication devices.

C. Conditional uses: The following uses require conditional use approval from the Board of Supervisors. See regulations in Article 9 and specific use provisions in Article 5.

(1) Heavy timber warehouse conversions.

(2) Nightclubs.

D. Special exceptions: The following uses require special exception approval from the Zoning Hearing Board. See regulations in Article 9 and specific use provisions in Article 5.

(1) Accessory dwelling units.

(2) Assisted living facilities.

(3) Bars/taverns.

(4) Boarding homes.

(5) Cemeteries.

(6) Communication antennas.

(7) Home-based business, impact.<sup>2</sup>

E. Design standards (see also Article 4 for modifications and exceptions):

(1) Minimum lot area: 3,000 square feet.

(a) All permitted residential uses: 8,700 square feet per dwelling unit

(b) Municipal use: None

(c) All other permitted uses: ½ acre

(2) Not more than one (1) principal residential use may be erected on a single lot.

(3) Minimum setbacks for principal uses, accessory uses, and accessory dwelling units:

	<b>Setback Principal</b>	<b>Accessory</b>	<b>Accessory Dwelling</b>
<b>RESIDENTIAL</b>			
Front	Not less than the average setback of developed lots on the block, measured from the closest street right-of-way line	Not permitted in front yard	Not permitted in front yard
Side	5 feet	0 feet	<b>Accessory Dwelling</b>
Rear	10 feet	0 feet	10 feet

	<b>Setback Principal</b>	<b>Accessory</b>	<b>Accessory Dwelling</b>
<b>NONRESIDENTIAL</b>			
Front	See Subsection E(2)(a) below Side 10 feet from other nonresidential uses. 20 feet from adjacent residential uses	Equal to the principal 10 feet from other nonresidential uses. 20 feet from adjacent residential uses.	Not permitted in front yard 10 feet
Rear	10 feet	0 feet	10 feet

- (a) Parking facilities contained on commonly held lands shall have a minimum separation distance of 20 feet to any other nonresidential or residential building. Pedestrian walkways and lighting may be constructed within the twenty-foot setback.

- (4) Maximum residential density:
- ~~(a) Single family detached: six dwelling units per acre.~~
  - ~~(b) Single family semidetached: six dwelling units per acre.~~
  - ~~(c) Townhouse: eight dwelling units per acre.~~
  - ~~(d) Multifamily: eight dwelling units per acre.~~
- (5) Minimum lot width: 25 feet.
- (a) Multifamily dwelling: 50 feet.
  - (b) All other residential uses: 35 feet.
  - (c) All other permitted uses: 50 feet.
- (6) Maximum lot coverage: 70%; such coverage requirements may be exceeded provided: 50%
- ~~(a) Pervious pavement materials are used; or~~
  - ~~(b) A landscaping plan, including streetscape enhancements, is prepared, approved and implemented.~~
  - (a) A maximum of 70% lot coverage may be permitted provided that approved pervious pavement materials are used and a landscaping plan, in accordance with the Township standards, is prepared, approved, and implemented. In addition, a maintenance schedule for both the pervious pavement materials and the landscaping shall be prepared, approved, and regularly implemented. The property owner shall be required to record an Operations and Maintenance Agreement (O&M) with the Office of the Lancaster County Recorder of Deeds. The Township Zoning Officer shall review and approve all requests and plan submission materials related to an increased lot coverage total.
- (7) Maximum building height: 35 feet. If an underground parking facility is utilized for a multifamily building, and at least 50% of the parking level is provided below grade, the parking level shall not be considered a story for purposes of calculating height.

- (8) Maximum building area: 5,000 square feet; with the following exceptions:
  - (a) Convenience store: ~~5,000 square feet~~ 6,000 square feet.
  - (b) Grocery store: ~~45,000 square feet~~ 10,000 square feet.
- (9) Lot configuration: Where alleys are present, all lots shall front on the primary street and the rear of the lot shall face the alleyway. No new lot shall front solely on an alley.
- (10) Pedestrian walkways: Pedestrian walkways shall be provided within the Village Center Zone and shall be designed and located so as to accommodate and encourage safe and efficient pedestrian-friendly movements within the community. Depending upon the purpose and location within the community, applicant may propose varying widths and surfaces for such walkways. All pedestrian walkways shall be a minimum of four feet in width.
- (11) Bus stops: Bus stops shall be placed at appropriate locations within the Village Center Zone as coordinated with local mass transit providers.
- (12) The entrance to any dwelling unit in a mixed-use building may be shared with another dwelling unit or units but shall be independent of the nonresidential use or uses.
- (13) Restaurant uses shall be permitted to operate outdoor cafes on sidewalks and in courtyards, provided pedestrian circulation or access to entrances shall not be impaired.
- (14) Agricultural setback requirements. See regulations in Article 4.
- (15) Agricultural disclaimer. See regulations in Article 4.
- (16) Off-street loading: Off-street loading shall be provided as specified in Article 8 of this chapter.
- (17) Off-street parking: Off-street parking shall be provided as specified in Article 8 of this chapter, except as modified as follows:
  - (a) Parking shall be located within the side or rear yard.
  - (b) For all dwelling types, driveway access may be provided from alleys.



- (c) All residential uses shall provide a minimum of two parking spaces per dwelling unit.
  - (d) All other permitted uses shall provide the number of spaces directed under Article 8 of this chapter.
  - (e) The minimum parking requirements for all uses, with the exception of single-family detached dwellings, may be satisfied through any combination of the following: driveways, carports, garages, on-street parking spaces along interior access drives and/or streets, off-street parking spaces and/or parking facilities. Parking for single-family detached dwellings must be provided behind the street right-of-way line in the form of driveways, carports or garages.
  - (f) Required parking for any non-residential use must be located in a parking area whose furthest point is within 500 feet from the building.
  - (g) Shared parking is encouraged within the Village Center Zone. Applicant may request a modification and reduction of the number of required parking spaces, as specified in Article 8, when two or more uses are able to share parking spaces because demands occur at different times.
- (18) Signs: Signs shall be permitted as specified in Article 7 of this chapter.
- (19) Driveway and access drive requirements: All driveways and access drives shall be in accordance with the East Hempfield Township Road Ordinance.<sup>3</sup>
- (20) Screening: A visual screen must be provided along any adjoining lands within any of the residential zones, regardless of whether or not the residentially zoned parcel is developed. (See Article 4 of this chapter.)
- (21) Landscaping: Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Article 4 of this chapter.)
- (22) Public sewer and water: All uses in this zone shall connect to public sewer and water facilities, unless it is shown by a



professional engineer and approved by the appropriate authority that such connection is not technically feasible.

- (23) Waste products: Dumpsters may be permitted in accordance with the provisions of Article 4 of this chapter.
- (24) All uses (except public uses) permitted within this zone shall also comply with the general provisions contained within Article 4 of this chapter.

F. Demolition: No structure shall be demolished without a permit obtained under this provision, except for emergency demolitions.

- (1) Process: An applicant desiring the demolition of an accessory structure that is less than 400 square feet and that is not listed in the East Hempfield Township Historic Inventory shall apply directly to the Zoning Officer for a permit. All other requests for demolition shall be treated as a conditional use request under the PA Municipalities Planning Code, as amended. As such, the East Hempfield Township Planning Commission shall review each demolition request and offer their findings to the Board of Supervisors for consideration. The Board of Supervisors shall make a decision whether to grant or deny the permit.
- (2) Request Procedure: A request for demolition can be filed on any business day, however the Planning Commission may review a request at a particular meeting only if the plan was filed at least twenty-one (21) calendar days prior to the meeting.
- (3) Request Requirements: A written request shall be submitted with the following materials.
  - (a) A description of the structure in question, with the year it was built and Historic Resource class designation, if available.
  - (b) The reasons for the demolition request
  - (c) A certification from the landowner that the structure cannot be feasibly rehabilitated to meet a permitted use.
  - (d) Reference to a submitted or approved land development plan, where applicable. In the case of a request to demolish a principal structure, the request shall not be considered complete and will not be scheduled for hearing until a sketch plan depicting the subsequent redevelopment of the site is provided to the Township.
- (4) Criteria for Review: The burden of proof is on the property owner to demonstrate that the property owner has been deprived any profitable use of the relevant parcel as a whole. The recommendation of the Planning Commission and the decision of the Board of Supervisors shall be based upon a review of the information

submitted by the Applicant against all criteria and not any one criterion. The Purpose of the Village Center Zone shall also be considered.

- (a) It is not feasible to continue the current use.
  - (b) Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
  - (c) Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
  - (d) The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
  - (e) The Applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
  - (f) The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
  - (g) A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
  - (h) The building is structurally unsound.
  - (i) The denial of demolition would result in unreasonable economic hardship to the owner.
  - (j) Sale of the building or structure is impossible or impractical.
  - (k) Denial of demolition will deprive the property as a whole of all beneficial use
- (5) Associated Land Development Plan: If the application for a permit for demolition of one or more principal structure is being requested to facilitate future development of the land, the said permit shall not be issued until the following additional requirements have been satisfied.
- (a) Approval of the land development plan by the Board of Supervisors
  - (b) Issuance of any necessary zoning approvals; and

(c) The recording of the approved subdivision or land development plan for the parcel where the demolition is proposed.

(6) Pre-demolition Requirements: In those instances where an application for demolition is approved, the building(s) to be demolished shall be historically and photographically documented. The extent of the documentation shall be determined by the significance of the building(s). When documentation is complete the building shall be dismantled and recycled to the greatest extent possible. Electronic copies of all documentation shall be submitted to the Township.

(7) Denial of Demolition: All appeals from decisions of the Board of Supervisors in the administration of this Section shall be made in accordance with the provisions of the Municipalities Planning Code, Article X-A.

(8) Enforcement: In addition to the enforcement provisions in Section 270-9.2, the Zoning Officer, with the authorization of the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Section.

(9) Emergency demolitions: Emergency demolitions to protect the health, safety and welfare of the citizens of East Hempfield Township are regulated under the East Hempfield Township Property Maintenance Code, Uniform Building Code, or its successors and the provisions of that Code shall take precedence over the provisions contained herein.

(10) Demolition by Neglect:

(a) General Requirements: Demolition by Neglect is the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation.

(1) Codes Violations: If the Zoning Officer cited a property owner of a principal structure for conditions that has or could lead to structural weakness, decay or deterioration and the property owner fails to correct the condition(s) in the time specified, that property owner may be cited by the Zoning Officer also for demolition by neglect under these provisions and be subject to the penalties contained herein.

(2) The owner of unoccupied Principal or Accessory Buildings or Structures that have been cited for violations shall develop a written maintenance

program for the protection of any and all unoccupied Class I or Class II historic resources. Said maintenance program shall be established in accordance with East Hempfield Township Property Maintenance Code. A copy of the maintenance program shall be filed with the Zoning Officer, with the Board of Supervisors authorization, and implementation begun in accordance with an established timetable.

(a) The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the building or structure. Structural features requiring stabilization include, but may not be limited to: roof, chimney(s), cornice, soffit, fascia, spouting, columns, beams, posts, as well as window and door sills, lintels and jambs.

(b) The exterior and interior of the building or structure shall be inspected no less than annually by the Zoning Office with the owner or the owner's agent to determine code compliance with the established maintenance program.

(11) Enforcement

(a) In addition to the enforcement provisions in Section 270-9.2, the Zoning Officer may authorize action to withhold issuance of any and all zoning and building permits for a period of up to two (2) years for any property that at the time of the enactment of these provisions, was occupied by a Building or Structure that was subsequently demolished by neglect. Except that permits may be issued for the abatement of any cited condition governed by East Hempfield Township.

(b) In addition, the Zoning Officer may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Section