

TOWNSHIP OF MONROE
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE 2021- 01

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MONROE, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING THE MONROE TOWNSHIP ZONING ORDINANCE OF 2014, AS SUBSEQUENTLY AMENDED, BY AMENDING: ARTICLE 1 (ENTITLED "BACKGROUND PROVISIONS"), SECTION 112 (ENTITLED "DEFINITIONS"), SUBSECTION 112.C (ENTITLED "SPECIFIC WORDS OR PHRASES") BY ADDING "RESORT COMMUNITY" AS A NEW TERM AND DEFINITION IN ALPHABETICAL ORDER OF THE EXISTING TERMS AND DEFINITIONS; AND ARTICLE 2 (ENTITLED "ZONE REGULATIONS"), SECTION 211 (ENTITLED "HIGHWAY COMMERCIAL ZONE (HC)"), SUBSECTION 211.2 (ENTITLED "PERMITTED USES") BY ADDING A NEW SUBSECTION 211.2.16 TO PERMIT BY RIGHT A "RESORT COMMUNITY" SUBJECT TO SPECIFIC STANDARDS, AND RENUMBERING THE FORMER SUBSECTION 211.2.16 AS NEW SUBSECTION 211.2.17 ACCORDINGLY.

WHEREAS, the Board of Supervisors of the Township of Monroe, Cumberland County, Pennsylvania, recognizes the unique and wide-ranging significance that Allenberry Resort and Playhouse has as an important asset and resource in Monroe Township;

WHEREAS, the Board of Supervisors of the Township of Monroe, Cumberland County, Pennsylvania, adopted the Comprehensive Plan – 2007 Update that sets forth several goals and objectives supporting the proposed vision for Allenberry Resort and Playhouse as a "Resort Community," including by:

- (i) preserving and enhancing the character of the Township, by:
 - (a) identifying and protecting scenic corridors in Monroe Township, such as Boiling Springs Road (SR 0174), which is identified as an arterial road in Table 4-2; and
 - (b) identifying and protecting historical and architectural sites in the Township, including Allenberry Resort and Playhouse;
- (ii) providing for housing needs of present and future residents by providing development regulations that encourage the efficient and responsible utilization of the land; and
- (iii) providing for controlled growth in appropriate areas by:
 - (a) guiding development to specific areas of the Township; and

- (b) conducting reviews and revisions of the Township Zoning Ordinance as needed to be proactive in addressing land use and development issues and trends;

WHEREAS, the adopted 2017 Cumberland County Comprehensive Plan that identified Allenberry Resort and Playhouse as one of the critically significant historic resources in Cumberland County, which contribute to the identity of Cumberland County, and the loss or degradation of such resources would compromise the character and “sense of place” of the central Cumberland County region;

WHEREAS, the adopted 2017 Cumberland County Comprehensive Plan sets forth several goals, objectives and strategies for enhancing Allenberry Resort and Playhouse as a “Resort Community,” including by:

- (i) protecting and enhancing areas and structures that are substantially connected to the heritage of the County for the enjoyment and education of current and future generations, by:
 - (a) promoting preservation of locally (and privately) owned historic sites and structures;
 - (b) promoting Cumberland County as a destination for history related tourism;
 - (c) marketing the historic resources of Cumberland County through the Cumberland Valley Visitors’ Bureau; and
 - (d) supporting history-based revitalization, redevelopment, and economic development strategies;
- (ii) maintaining a diversified industry base that increases the commercial/industrial tax base and in turn increases the median income and opportunities for the broadest array of Cumberland County residents, by:
 - (a) attracting new businesses to Cumberland County by developing a marketing campaign and meeting with targeted industry clusters, specifically including destination marketing, that would be well-suited to locating in the county or supporting existing businesses in Cumberland County;
 - (b) retaining and expanding the businesses currently located in Cumberland County;
 - (c) attracting visitors to Cumberland County, via:
 - (1) creating and implementing marketing and communication plans to raise brand awareness; and

- (2) developing, implementing, and maintaining travel resources for targeted tourism audiences to inspire travel to the Cumberland Valley;
- (iii) providing a sufficient supply of mixed housing types within the financial reach of all County residents, by:
 - (a) providing appropriate locations for residential development, via supporting infill, redevelopment, and replacement residential projects in existing developed areas; and
 - (b) providing a variety of housing unit types;
- (iv) developing and maintaining system of adequately sized and appropriately located community facilities that provide for the health, safety, and welfare of current and future generations, by:
 - (a) encouraging the maintenance and expansion of the public sewer and water systems in planned service areas via supporting municipal ordinances that urge developers to provide improvements and/or extensions to sewer and water supply lines; and
 - (b) providing adequate public utilities to support current and future development opportunities;
- (v) accommodating a variety of planned land uses that support vibrant communities, diverse business opportunities, thriving natural resources, and the unique character of the County, by:
 - (a) efficiently using land in existing developed areas, via:
 - (1) directing new development toward existing developed areas;
 - (2) encouraging more flexible parking regulations to decrease land needs and costs for new development; and
 - (3) encouraging higher density and compact building design;
 - (b) compatibly locating different land uses, via promoting the attractive design and location of buildings;
 - (c) providing a diversity of land uses, via:
 - (1) encouraging municipalities to provide for all land uses in plans and ordinances;

- (2) supporting mixed land uses to encourage community interaction, enhanced transportation options, and quality economic development; and
- (3) encouraging the protection of community character; and
- (d) providing land uses in appropriate locations;

WHEREAS, the Monroe Township Zoning Ordinance of 2014, as subsequently amended, does not define or permit Allenberry Resort and Playhouse as a resort or a "Resort Community" in the Highway Commercial Zone or in any zone within the Township;

WHEREAS, the Monroe Township Zoning Ordinance of 2014, as subsequently amended, is intended to promote, protect and facilitate the general welfare and coordinated and practical community development in accordance with the Comprehensive Plan – 2007 Update, with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures, such as Allenberry Resort and Playhouse;

WHEREAS, the Monroe Township Zoning Ordinance of 2014, as subsequently amended, is intended to implement the Comprehensive Plan – 2007 Update;

WHEREAS, the Board of Supervisors of the Township of Monroe, Cumberland County, Pennsylvania, believes that it is in the best interest of the Township as a whole to further implement elements of the Comprehensive Plan – 2007 Update and the 2017 Cumberland County Comprehensive Plan by revising the Monroe Township Zoning Ordinance of 2014, as subsequently amended, for enhancing Allenberry Resort and Playhouse by defining and permitting "Resort Community" as a new use by right subject to certain standards in the Highway Commercial Zone;

WHEREAS, the Board of Supervisors of the Township of Monroe, Cumberland County, Pennsylvania, under the powers vested in it by "The Second Class Township Code" of Pennsylvania, as enacted and amended, and the authority and procedures of the "Pennsylvania Municipalities Planning Code," as enacted and amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby enact and ordain the following amendment to the Monroe Township Zoning Ordinance of 2014, as subsequently amended; and

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Monroe, Cumberland County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1: The Monroe Township Zoning Ordinance of 2014, as subsequently amended, Article 1 (Entitled "Background Provisions"), Section 112 (Entitled "Definitions"), Subsection 112.C (Entitled "Specific Words or Phrases"), is hereby amended by adding a new term and definition in alphabetical order of the existing terms and definitions to read as follows:

RESORT COMMUNITY - An integrated and cohesive mixed-use development providing lodging, dining, leisure time, recreation, entertainment or educational uses, activities and amenities serving as one of the primary attractions, as well as permanent residential dwellings and other complementary and compatible uses.

SECTION 2: The Monroe Township Zoning Ordinance of 2014, as subsequently amended, Article 2 (Entitled "Background Provisions"), Section 211 (Entitled Highway Commercial Zone (HC)), Subsection 211.2 (Entitled "Permitted Uses"), is hereby amended by adding a new Subsection 211.2.16 to permit by right a "Resort Community" subject to specific standards, and renumbering the former Subsection 211.2.16 as new Subsection 211.2.17 accordingly, to read as follows:

16. Resort Community, subject to the following requirements:

- A. Notwithstanding the provisions of Section 306 (Erection of More than One Principal Use on a Lot), the following lot area, dimensional and other requirements shall be applicable to the entire development on the subject property, rather than individual uses or buildings.
 1. Required Frontage and Access. The subject property shall front on, and have two points of direct vehicular access onto, an arterial road.
 2. Water and Sewer Requirements. The subject property shall be connected to both public sewer and public water utilities.
 3. Minimum Lot Area. The subject property shall have a minimum lot area of twenty-five (25) acres.
 4. Maximum Height. Buildings on the subject property shall have a maximum permitted height of 50 feet.
 5. Minimum Yard Setbacks. The subject property shall have the minimum required yard setbacks as set forth in Section 211.6 of the Zoning Ordinance (Minimum Required Setbacks) measured from the exterior lot lines of the subject property, except that the minimum residential buffer shall be 15 feet. All buildings and structures shall comply with the minimum building separation distances required by the Pennsylvania Uniform Construction Code.

6. Maximum Density. The subject property shall have a maximum net density of 10 dwelling units per net acre, exclusive of any public or private streets, private access agreements, and public utility rights-of-way or easements.
- B. Permitted Uses. The following uses shall be permitted by right as part of the development on the subject property:
1. Natural areas or wildlife refuges;
 2. Public parks and playgrounds, public uses and public utilities;
 3. Hotels, motels and similar lodging facilities;
 4. Delicatessens, bakeries, ice cream shops, caterers, restaurants, drive-thru and/or fast-food restaurants (subject to Sections 419.1.2, 419.1.3, 419.1.4, 419.1.5, 419.1.7 and 419.1.8), taverns and brew-pubs (excluding nightclubs);
 5. Theatres, auditoriums and convention centers;
 6. Commercial recreation facilities (subject to Sections 415.1.2, 415.1.3, 415.1.4, 415.1.6 and 415.2);
 7. Health and fitness clubs;
 8. Amusement arcades (subject to Sections 403.1.1, 403.1.2, 403.1.4 and 403.2);
 9. Retail sales and/or rental of goods;
 10. Retail services, including barber/beauty salons; music, dance, art or photographic studios;
 11. Offices;
 12. Churches and related uses (subject to Sections 412.1.3.B, 412.1.3.C, 412.1.3.D, 412.1.4.B and 412.1.4.C);
 13. Commercial day-care facilities (subject to Sections 414.1.1, 414.1.2, 414.1.3 and 414.2);
 14. Family day care facilities;

15. Historic structures conversions (subject to Section 429.1.1, 429.1.5, 429.1.6, 429.1.7.A, 429.1.7.B and 429.1.8);
 16. Residential dwelling units (including all forms and types of single-family detached, duplex (two-family and single-family semi-detached), multiple family, townhouse, manufactured house, quadraplex, seasonal residence and other dwellings);
 17. Agriculture;
 18. Aquaculture and fisheries;
 19. Horticulture and Forestry;
 20. Riding stables;
 21. No-impact home-based businesses;
 22. Other uses similar to and compatible with the uses permitted in the Resort Community and in no way in conflict with the general purposes and intent of the HC Zone; and
 23. Accessory uses customarily incidental to permitted uses.
- C. A single entity shall be responsible for the overall unified general management of the Resort Community, but common ownership for the types of buildings and uses shall be permitted pursuant to the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101 et seq., or the Pennsylvania Planned Community Development Act, 68 Pa. C.S.A. §§ 5101, et seq..
- D. All uses, development and open areas must be designed, constructed, or operated as coordinated, cohesive and integral components of the Resort Community. Accordingly, the subdivision/land development plan for the Resort Community shall include a plan sheet conceptually depicting the proposed or anticipated ultimate build-out and development of the Resort Community (i.e., "Conceptual Master Plan"). The Conceptual Master Plan shall show relationships among the various proposed or anticipated lots, uses, buildings, parking areas, vehicle and pedestrian routes, open areas, landscaping and amenities. The Conceptual Master Plan must show the approximate locations and uses of buildings, as well as the approximate locations of parking areas, vehicle and pedestrian

routes, open areas, and generalized landscaping and amenities. The Conceptual Master Plan may include a range of permitted uses, as opposed to identifying each specific use; however the Conceptual Master Plan shall show proposed uses in enough detail to verify that the ultimate build-out and development of the Resort Community is intended to function cohesively as an integrated development. Subsequent subdivision/land development plans for the Resort Community shall generally be consistent with the Conceptual Master Plan. Where a subsequent subdivision/land development plan is not generally consistent with the Conceptual Master Plan, the Conceptual Master Plan shall be revised provided that it still complies with the applicable provisions of Section 211.2.16 of the Zoning Ordinance.

- E. All uses, buildings, activities and parking facilities within the Resort Community shall be accessed from interior access drives or driveways, rather than from exterior streets bordering the subject tract.
- F. Off-street parking shall be provided in accordance with the applicable provisions of Section 310 of Zoning Ordinance (Off-Street Parking Requirements), except that in lieu of the minimum parking space requirements of Sections 310.2 (Parking for Single Family Dwellings) and 310.3 (Parking for All Other Uses), parking may be provided to meet the demand for the Resort Community in accordance with the following:
 - 1. The applicant shall calculate the demand based on accepted standards, such as published in the most recent version of the Institute of Transportation Engineers Parking Generation Manual or another acceptable standard.
 - 2. The applicant shall conduct a shared parking analysis that projects parking needs based on the peak hour of parking demand. For example, a building with first-floor retail and office space and upper-floor residential will be able to adjust total parking demand to address the fact that peak residential parking demand will occur in the evening, while peak office parking demand will occur during the day. This analysis shall be based on accepted standards, such as published in the most recent Parking Generation Manual, the Urban Land Institute Shared Parking study, or another acceptable standard.

17. Accessory uses customarily incidental to the above permitted uses.

SECTION 3: Except only as amended, modified and changed herein, the Monroe Township Zoning Ordinance of 2014, as subsequently amended, shall remain in all other respects in full force and effect.

SECTION 4: 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 Monroe Township Zoning Ordinance of 2014, as subsequently amended, as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or the Monroe Township Zoning Ordinance of 2014, as subsequently amended.

SECTION 5: In the event any provision added by this Ordinance to the Monroe Township Zoning Ordinance of 2014, 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.

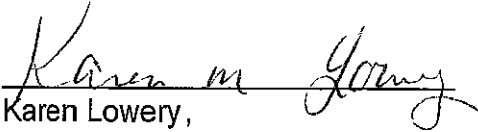
SECTION 6: This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of the Township of Monroe, Cumberland County, Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED, into an Ordinance this 11th day of February, 2021, by the Board of Supervisors of the Township of Monroe.

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[Signatures on following page]

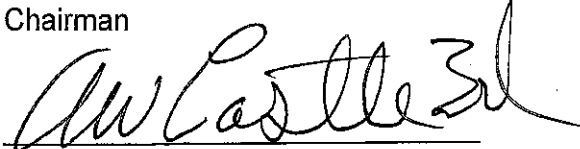
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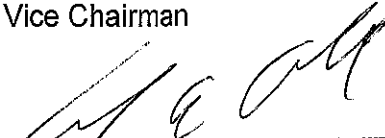

Karen Lowery,
Secretary

(Seal)

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TOWNSHIP OF MONROE


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