

TOWNSHIP OF CECIL

WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 4 -2023

AN ORDINANCE OF THE TOWNSHIP OF CECIL, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING THE FOLLOWING SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE NO. 5-00, AS AMENDED: SECTION 202, “DEFINITIONS” TO UPDATE AND ADD ADDITIONAL TERMS TO INCREASE CLARITY OF THE ORDINANCE; SECTION 402, “ORDINANCE AMENDMENTS AND REZONING APPLICATIONS” AND 403 “CONDITIONAL USES” TO INCLUDE THE OPTION OF ESCROW; SECTION 907 “C-1, GENERAL COMMERCIAL DISTRICT” TO ADD WAREHOUSES AS A CONDITIONAL USE; SECTION 1204, “ACCESSORY USES” TO UPDATE REGULATION CHART; SECTION 1802 “CONTINUANCE AND ALTERATION OF NONCONFORMING USES” TO CLARIFY REGULATION; APPENDIX E, TO ACCOMMODATE THE NEW USES ADDED IN THE OFFICIAL SCHEDULE OF USES.

WHEREAS, the Cecil Township Board of Supervisors (“**Board**”) has the power to protect the health, safety, and welfare of the people and property in Cecil Township (“**Township**”); and

WHEREAS, the Board finds that it is in the best interest of the residents and citizens of the Township to amend Sections 202, 402, 907, 908, 1204, 1802, and Appendix E of the Township of Cecil Unified Development Ordinance, Ordinance No. 5-00, as amended;

WHEREAS, the Township seeks to amend its Unified Development Ordinance as set forth herein; and

WHEREAS, the Amendment was reviewed by the Township Planning Commission at a public meeting held on July 20, 2023 after which the Township Planning Commission recommended adoption to the Board; and

WHEREAS, the Amendment was sent to the Washington County Planning Commission and, on August 8, 2023, the Washington County Planning Commission

advised that it had no additional comments regarding these particular ordinance changes; and

WHEREAS, the Board held a public hearing on August 14, 2023 and minor amendments were made after that process. The Planning Commission recommended approval of same on September 21, 2023; and

WHEREAS, the Board has given careful consideration to all public comments and has determined that adoption of the Amendment is beneficial to the health and welfare of the citizens of the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of the Township of Cecil, Washington County, Pennsylvania as follows:

Existing Ordinance is underlined for reference.

SECTION 1. The term “Code Enforcement Officer” has been removed from the Township of Cecil Unified Development Ordinance and replaced with the term “Township Zoning Officer” throughout.

SECTION 2. Section 202, “Definitions,” is hereby amended with the addition of the following terms:

GARDEN NURSERY - The use of land, buildings or structures, or portions thereof, where trees, shrubs or other plants are grown for the purpose of retail sales. A garden nursery may include the sale of soil, planting materials, fertilizers, garden equipment, ornaments, and similar materials.

IMPROVEMENTS, PRIVATE, OPTIONAL – Those improvements, done at the option of property owner(s), intended to benefit the property owner(s), their heirs, or assigns.

IMPROVEMENTS, PRIVATE, REQUIRED – Those improvements, either required by municipal ordinance, developer agreements, PRD conditions or any other conditions or agreements, such as storm water ponds, tot lots, play area, walking trails, green space, conservation areas etc., which are intended to be owned and/or maintained by private entity.

WALL – A vertical element used to support earth embankments (cuts and fills) and/or enclose a space. Walls may require fencing, dependent upon height as required by the Building Code.

WAREHOUSE - A building or structure used for the storage and handling of goods, materials, freight, or merchandise awaiting sale on another lot or location, but not including the maintenance or fueling of commercial vehicles.

SECTION 3. Section 202, "Definitions," is hereby amended to change the following terms (Existing Ordinance is underlined for reference.):

CONTRACTOR'S OFFICE – Any building or structure used as the permanent place of business for a general contractor or tradesman, but not including the storage of construction equipment, material, and company vehicles.

CONTRACTOR'S OFFICE – Any building or structure used as the permanent place of business for a general contractor or tradesman. Storage or staging or occupying the site with any equipment, material, company vehicles other than automobiles and office staff is prohibited.

CONTRACTOR'S YARD – Any developed or vacant land used as a place of storage for a general contractor or tradesman, including the storage of construction equipment, material, and company vehicles.

CONTRACTOR'S YARD – Any developed, undeveloped, or vacant land or parcel used as a place of operation and/or storage for a general contractor or tradesman, including storage, staging, parking of construction equipment, material, and/or company vehicles.

ESSENTIAL SERVICES - The erection, construction, alteration, or maintenance, of gas, electrical, and communication facilities; steam, fuel, or water transmission or distribution systems; and collection, supply, or disposal systems. Such systems may include poles, wires, mains, drains, sewers, pipes, sewage treatment plants, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories. This definition is not intended to include private commercial enterprises such as cellular communications facilities, but only those public facilities necessary for the health, safety, and general welfare of the community.

ESSENTIAL SERVICES - The erection, construction, alteration, or maintenance, of gas, electrical, and communication facilities; Police, Fire and EMS Facilities; public buildings and parks; steam, fuel, or water transmission or distribution systems; and collection, supply, or disposal systems including sewage disposal plants. Such systems may include poles, wires, mains, drains, sewers, pipes, sewage treatment plants, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories. This definition is not intended to include private commercial enterprises such as cellular communications facilities,

but only those public facilities necessary for the health, safety, and general welfare of the community.

IMPROVEMENTS, PUBLIC - Those improvements, either required by municipal ordinance or regulations, or installed at the option of the property owner, which are proposed or required to be, turned over to a public entity, for the permanent use and benefit of current and future property owners.

IMPROVEMENTS, PUBLIC – Those improvements, either required by municipal ordinances or regulations, state regulations, or installed at the option of the property owner(s). These improvements are proposed or required to be turned over to a public entity for the permanent use and benefit of current and future property owners.

SECTION 4. Section 402, “Ordinance Amendments and Rezoning Applications,” subsection B(4), “Submission Requirements for Conditional Use Applications,” is hereby amended as follows:

4. The required application fee as set forth in the Township fee schedule, as revised.

4. The required escrow, if applicable, as well as the application fee as set forth in the Township fee schedule, as revised.

SECTION 5. Section 403, “Conditional Uses,” subsection F(5), “Submission Requirements for Conditional Use applications,” is hereby amended as follows:

5. The required application fee as set forth in the Township fee schedule, as revised.

5. The required escrow, if applicable, as well as the application fee as set forth in the Township fee schedule, as may be revised.

SECTIONS 6 and 7 Previously Considered by Board Vote In September 2023

SECTION 8. Section 907, “C-1, General Commercial District,” subsection C, “Conditional Uses ,” is hereby amended with the following addition:

13. Warehouse, Indoor

- a. Storage of any material shall only be permitted within the warehouse structure. Storage of material outside of the structure is prohibited.
- b. All property lines which adjoin residential use or zoning classification shall be screened by a buffer area required by Section 1506 of this chapter.
- c. No hazardous materials or substances shall be stored within the warehouse.
- d. Operations shall be designed and maintained so that nuisances such as visual blight, glare, noise, blowing debris and, dust shall not be created.
- e. No shipping or receiving shall be permitted within three hundred (300) feet of any property in a residential zoning district between the hours of 7 p.m. to 7 a.m.
- f. Any Indoor Warehouse shall be located on and have direct access to a State Road.

SECTION 9. Section 1204, "Accessory Uses," is hereby amended with the changes to the regulation chart as follows:

Existing Ordinance Chart

Lots Size	Percent of Primary Structure	Height
Up to 21,780 Sq.Ft. (½ Acre)	35% Max 625 Sq. Ft.	14 Feet
½ Acre to .9 Acres	50% Max. 900 Sq. Ft.	18 Feet
1 Acre to 2.9 Acres	75% Max 1600 Sq. Ft.	28 Feet
3 Acres to 4.5 Acres	100% Max 2000 Sq. Ft.	30 Feet
5 Acres and above	200% the primary Structure.	38 Feet

- Total area of all Accessory Structures combined shall not exceed the requirements in the above table.

Amended Chart

Lots Size	Percent of Primary Structure (Whichever is Less)	Height
Up to 21,780 Sq.Ft. (½ Acre)	35% Max 625 Sq. Ft.	14 Feet
½ Acre to .9 Acres	50% Max. 1025 Sq. Ft.	18 Feet
1 Acre to 2.9 Acres	75% Max 1600 Sq. Ft.	28 Feet
3 Acres to 4.5 Acres	100% Max 2000 Sq. Ft.	30 Feet
5 Acres and above	200% the primary Structure.	38 Feet

- Total area of all Accessory Structures combined shall not exceed the requirements in the above table.
- The percentage of the primary structure's square footage and maximum square footage shall include all interior closed space, all floors, all attached open areas, and all outside enclosed spaces.

SECTION 10. Section 1802, “Continuance and Alteration of Nonconforming Uses,” is hereby amended as follows:

A. Expansion

A nonconforming building or use may be expanded by 15% of the space occupied at the effective date of adoption of this Chapter, following a public hearing and review by the Zoning Hearing Board as a Special Exception, provided that:

1. The building or use has not previously been expanded by as much as 15% within 10 years prior to the effective date of adoption of this Chapter.
2. In the case of commercial or industrial use, the expansion of the nonconforming building or use is necessitated by the natural growth trade.
3. The expansion does not involve any property not owned at the time the use became nonconforming.
4. No new or increased nonconformities are created related to structures or site requirements.
5. Additional parking is provided for the expanded building or use in accordance with the requirements of this Chapter.
6. No new nonconforming use is added to the premises. Only the specific principal use in existence at the effective date of adoption of this Chapter has protected status.

B. Extension

A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building, unless approved by the Zoning Hearing Board. No additional or accessory structure not conforming to the requirements of this Chapter shall be erected or enlarged in connection with a nonconforming use of land.

A. Expansion

A nonconforming building or use may be expanded by 15% of the space occupied at the effective date of adoption of this Chapter, following a public hearing and review by the Zoning Hearing Board as a Special Exception, provided that:

1. The building or use has not previously been expanded by as much as 15% within 10 years prior to the effective date of adoption of this Chapter.
2. In the case of commercial or industrial use, the expansion of the nonconforming building or use is necessitated by the natural growth of lawful and existing trade. For example, a non-conforming restaurant that has already been approved, may expand by constructing an additional dining room. However, a non-conforming restaurant that has already been approved, may not construct a bar. The bar is not the same existing lawful trade as the restaurant.
3. The expansion does not involve any property not owned at the time the use became nonconforming.
4. No new or increased nonconformities are created related to structures or site requirements.
5. Additional parking is provided for the expanded building or use in accordance with the requirements of this Chapter.
6. No new nonconforming use is added to the premises. Only the specific use in existence at the effective date of adoption of this Chapter has protected status.

B. Extension

1. A nonconforming use may be extended throughout any parts of the existing building which were arranged or designed for such use at the time of adoption or amendment of this Chapter.
2. A non-conforming use that wishes to extend and occupy any additional land outside of the building and on the existing lot, must first be approved by the Zoning Hearing Board as a special exception.
3. No additional or accessory structures shall be erected or enlarged in connection with the principal structures' nonconformity to the requirements of this chapter.

SECTION 11. Appendix E, "Official Schedule of Uses," is hereby amended as follows:

1. Warehousing, Indoor Storage to be permitted by Conditional Use in the C-1 District.

SECTION 12. Full Force and Effect.

Except as specifically amended by this Ordinance, Ordinance No. 5-00, as amended, shall remain in full force and effect and shall not be deemed in conflict with any provisions of this Ordinance.

SECTION 13. Repealer.

Any ordinance, chapter, section, subsection, paragraph, sentence, clause, phrase or portion of any ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

SECTION 14. Severability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

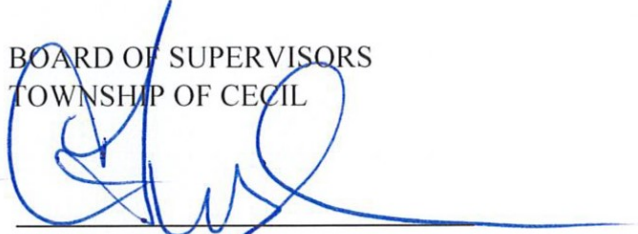
SECTION 15. Effective Date.

This Ordinance shall take effect five (5) days after the date of adoption by the Board of Supervisors of Cecil Township, set forth below.

ORDAINED, ADOPTED AND ENACTED, by the Board of Supervisors of Cecil Township, Washington County, Pennsylvania at a public meeting on the 2nd day of October, 2023.



BOARD OF SUPERVISORS
TOWNSHIP OF CECIL


Cindy Fisher
*Chair of the Cecil Township
Board of Supervisors*