

**WILMINGTON TOWNSHIP, MERCER COUNTY, PENNSYLVANIA**  
**AMENDMENT 1-2015**  
**TO**  
**ZONING ORDINANCE ADOPTED JUNE 1, 1996**

**WHEREAS**, the Board of Supervisors of Wilmington Township, Mercer County, Pennsylvania, have adopted a Zoning Ordinance of June 1, 1996 to promote public health, safety, and general welfare;

**WHEREAS**, over the past 19 years, said ordinance has only been amended three times; to wit, Amendments 1-2003, 1-2007 and 2-2007;

**WHEREAS**, the Board of Supervisors have requested a review of the existing Zoning Ordinance in its totality;

**WHEREAS**, the Board of Supervisors recently rehired as Township Solicitor, the attorney who previously served as Township Solicitor for a number of years including the period when the 1996 Zoning Ordinance was discussed and adopted, who has over 35 years of extensive experience in land development, including residential land development; requested that he thoroughly review the Ordinance as amended, and provide comments, which he has done.

**WHEREAS**, the Wilmington Township Planning Commission and the Mercer County Regional Planning Commission have reviewed the proposed amendments and provided comments;

**WHEREAS**, the Township has held a public hearing as required by the Municipalities Planning Code, as amended, to consider comments and testimony regarding these amendments;

**WHEREAS**, the Board of Supervisors believes that Amendments 1-2007 and 2-2007 to the Zoning Ordinance were ill-advised and should be repealed absolutely;

**WHEREAS**, the Board of Supervisors believes that due to the New Wilmington Volunteer Fire Department lacking a ladder truck, thus dependent upon other fire departments, including Neshannock Fire Department, for such equipment, it is contrary to public health and safety to permit regularly occupied structures above 2 stories or 35 feet in height to be exempt from height regulations and that Section 902.2 paragraph 1 needs corrected to reflect the same consistent with Section 101, Purpose, Paragraph 2;

**WHEREAS**, the Board of Supervisors believes that the Route 18 corridor, due to its proximity to Routes 208 and Interstate 376, potable water main, three phase electrical service line and natural gas mains, the fact that Route 18 is a state highway, better built, better maintained, wider, better berms, better base, is the primary and best site within the Township for trade, industry and similar uses, consistent with Section 102, Scope, Paragraph 7, Section 201, Overall Goal, Paragraph 6, Section 202.1, Specific Objectives, Paragraph 4 and Section 300.4;

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**WHEREAS**, the Board of Supervisors believes that the 1996 Zoning Ordinance created a grossly excessive amount of Multiple Family Residential (R-2) zone classification, to the detriment of Section 101, Paragraphs 1, 3, 4, 5, 6, and 9, Section 102, Scope, Paragraph 6 and the past 19 years of empirical data demonstrates that the area then designated as R-2 grossly exceeded the actual demand for Multiple Family Residential development and likely future demand; noting that Amendment 1-2003 added Two Family Dwelling Duplex and Multi Family Residential Dwellings as conditional uses in I-B zones; and further noting that certain areas which were predominantly single family residential and rural agricultural residential and likely to remain the same were imprudently classified as R-2.

**BE IT THEREFORE RESOLVED**, that the Wilmington Township Board of Supervisors adopt the following amendments to the Wilmington Township Zoning Ordinance:

1. Amendment 1-2007 adopted August 14, 2007 is repealed absolutely and the underlying parcels:

- a. 32-213-112,
- b. 32-213-113,
- c. 32-213-110 and
- d. 32-213-110-004

located on Auction Road are returned to their prior zoning classification of R-2 Multiple Family Residential. The official Zoning Map of Wilmington Township shall be revised to show the reclassification of those specific parcels as well as the information provided to the Mercer County Tax Assessment Office for reclassification in its records for those parcels being returned to R-2 Multiple Family Residential district.

2. Amendment 2-2007 adopted August 14, 2007 is repealed absolutely; subparagraph 4 of Section 902.2 of the Zoning Ordinance shall be deleted in its entirety and the Table 4 footnotes shall be amended to delete the references to the exception for zones I-B and R-1-A set forth at Section 902.2.

3. Section 902.2 numbered paragraph 1) on Page 46 of the Zoning Ordinance shall be amended by the deletion of "Church, college, elderly housing structure, hospital" from that paragraph.

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4. A new Industrial – Business (I-B) zone is hereby created which shall include all land within the Township from the southern boundary line with Lawrence County to the northern boundary line with Shenango Township within 500 feet of the center line of TR-18 known as Route 18. The official Zoning Map of Wilmington Township shall be revised to show the reclassification of this newly created zone as well as information including impacted parcel numbers provided to the Mercer County Tax Assessment Office for reclassification in its records for those parcels, or portions thereof, being designated as I-B Industrial – Business district.



5. All portions of the existing Multiple Family Residential (R-2) zone west of High Street and a projected imaginary northerly extension of the center line of High Street north of the intersection with Auction Road and the northwesterly curve onto Bethel – New Wilmington Road shall cease to be part of the R-2 district and shall be reclassified as set forth herein. This would include but not be limited to all currently classified R-2 parcels west of High Street, on either side of Cowden Road, either side of Bethel- New Wilmington Road, and the Valley View development. It is the expressed intent of the Board of Supervisors that the only portions of the existing R-2 zone to remain as such after this Amendment shall be east of High Street and a projected imaginary northerly extension of the center line of High Street.

a. The following parcels west of High Street and south of Cowden Road shall be reclassified as R-1 Residential Single Family district:

- i. 32-213-138,
- ii. 32-213-137,
- iii. 32-213-136,
- iv. 32-213-135,
- v. 32-213-130,
- vi. 32-213-129, and
- vii. 32-213-128.

b. All other parcels west of High Street and south of Cowden Road currently zoned as R-2 shall be reclassified as R-1-A Rural Agricultural – Residential. Those parcels are as follows:

- i. 32-213-126 and
- ii. 32-213-127.

c. The following parcels which front on the western side of High Street, north of Cowden Road currently zoned R-2 shall be reclassified as R-1 Residential Single Family district. Those parcels are as follows:

- i. 32-213-134,
- ii. 32-213-133,
- iii. 32-213-133-001,
- iv. 32-213-133-011,
- v. 32-213-132, and
- vi. 32-213-131.

d. The following parcel which fronts on the northern side of Cowden Road currently zoned R-2 shall be reclassified as R-1-A Rural Agricultural – Residential:

- i. 32-213-102 (except to the extent the northern portion fronting on Bethel – New Wilmington Road is rezoned R-1 below)(boundary between R-1-A and R-1 zones for parcel 32-213-102 is an imaginary line running from the

southwest corner of 32-213-103 to the southeast corner of 32-213-102-202).

- e. The following parcels which front of the southern side of the Bethel – New Wilmington Road currently zoned as R-2 shall be reclassified as R-1 Residential Single Family district:

- i. 32-213-108,
- ii. 32-213-107,
- iii. 32-213-103
- iv. 32-213-102 (except to extent southern portion fronting on Cowden Road is rezoned R-1-A above),
- v. 32-213-102-002,
- vi. 32-213-102-001, and
- vii. 32-213-079.

- f. The following parcels which are north of Bethel – New Wilmington Road, west of a projected imaginary northerly extension of the center line of High Street north of the intersection with Auction Road and the northwesterly curve onto Bethel – New Wilmington Road and west of T-546 shall cease to be part of the R-2 district and shall be reclassified as R-1 Residential Single Family district. Those parcels include:

- i. 32-213-082-001,
- ii. 32-213-082,
- iii. 32-213-106,
- iv. 32-213-104,
- v. 32-213-101,
- vi. 32-213-100,
- vii. 32-213-099,
- viii. 32-213-098,
- ix. 32-213-097,
- x. 32-213-096,
- xi. 32-213-095,
- xii. 32-213-081,
- xii. 32-213-078,
- xiii. 32-213-092,
- xiv. 32-213-091,
- xv. 32-213-090,
- xvi. 32-213-089,
- xvii. 32-213-088,
- xviii. 32-213-080,
- xix. 32-213-094,
- xx. 32-213-087,
- xxi. 32-213-086,

- xxii. 32-213-085,
- xxiii. 32-213-084, and
- xxiv. 32-213-083.

g. The official Zoning Map of Wilmington Township shall be revised to show the reclassification as set forth above as well as information including impacted parcel numbers provided to the Mercer County Tax Assessment Office for reclassification in its records for those parcels, or portions thereof, being designated as either R-1 Single Family Residential district or R-1-A Rural Agricultural – Residential as set forth above.


6. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

7. If any, sentence, clause, section or part of this Amendment is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any other remaining provisions, sentences, clauses, sections or parts of this Amendment.

8. This Amendment shall take effect ten (10) days after the adoption by the Board of Supervisors of Wilmington Township, Mercer County, Pennsylvania.

**NOW, THEREFORE, BE IT ORDAINED**, by the Wilmington Township Board of Supervisors that the Wilmington Township Zoning Ordinance adopted June 1, 1996, as amended, is hereby further amended as specifically set forth above this 23<sup>rd</sup> day of June, 2015.

Attest:

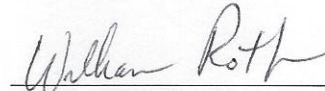


Cindy Black, Secretary

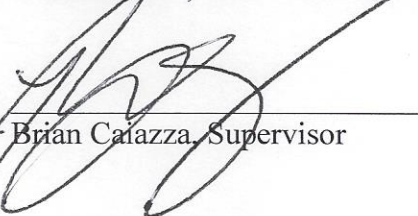
Board of Supervisors



Chad Taylor, Chairman



William Roth, Vice Chairman



Brian Calazza, Supervisor

