

ARTICLE I -
AUTHORITY, TITLE, PURPOSE OF ENACTMENT, INTERPRETATION, APPLICABILITY, MUNICIPALITY
LIABILITY, DISCLAIMER, SEVERABILITY, & REPEALER

Section 100 Authority

This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

Section 101 Title

This Ordinance shall be known as and may be cited as “The Zoning Ordinance of Mount Holly Springs Borough”.

Section 102 Purpose of Enactment

This Zoning Ordinance is enacted for the following purposes:

- A. To promote , protect and facilitate one or more of the following: the public health, safety, morals, general welfare, the provision of adequate light and air, and other public requirements.
- B. To prevent one or more of the following: overcrowding, blight, loss of health, life or property from fire, flood or other dangers.
- C. To adopt a Zoning Map dividing Mount Holly Springs Borough into zoning districts with varying regulations.
- D. To permit, prohibit, regulate and determine the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of buildings and structures, as well as yards and other open areas to be left unoccupied.
- E. To establish the maximum density and intensity of uses.
- F. To provide for the protection of natural and historic features and resources.
- G. To encourage the viability of agricultural operations.
- H. To protect existing residential neighborhoods.
- I. To promote innovative residential design and encourage the creation of a sense of community.
- J. To provide diverse housing opportunities, including housing that is affordable.
- K. To encourage adaptive reuse and infill development.
- L. To provide for the reasonable development of minerals.
- M. To act as an overall plan for the orderly growth and development of Mount Holly Springs Borough and as such seek to implement the Mount Holly Springs Borough Comprehensive Plan.

Section 103 Interpretation

- A. In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of Mount Holly Springs Borough. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Ordinance shall prevail. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the least restrictive or that imposing the higher standards shall govern. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.

Section 104 Applicability

- A. Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Ordinance:
1. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.
 2. Change of the type of use or expansion of the use of a structure, building or area of land.
 3. Creation of a lot or alteration of lot lines.
 4. Creation of a new use.
- B. This Ordinance shall not apply to an existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and Mount Holly Springs Borough have notice of the hearing and are granted as opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

Section 105 Municipality Liability

- A. The granting of a Zoning Permit for the erection and/or use of a structure, building or kit shall not constitute a representation, guarantee or warranty of any kind or nature by Mount Holly Springs Borough, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

Section 106 Disclaimer

- A. It is recognized that: the Act of June 22, 1937 (P.L. 1987, NO. 394) known as “The Clean Streams Law”; the Act of May 31, 1945 (P.L. 1198, No. 418) known as the “Surface Mining Conservation and Reclamation Act”; the Act of April 27, 1966 (ft Special Session, P.L. 31, No. 1) known as “The Bituminous Mine Subsidence and Land Conservation Act”; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the “Coal Refuse Disposal Control Act”; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the “Noncoal Surface Mining Conservation and Reclamation Act”; the Act of June 30, 1981 (P.L. 128, No. 43) known as the “Agricultural Area Security Law”; the Act of June 10, 1982 (P.L. 454, No. 133) entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances”: and the Act of May 20, 1993 (P.L. 12, No 6) known as the “Nutrient Management Act” preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Zoning Ordinance.

Section 107 Severability

- A. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

Section 108 Repealer

- A. The pre-existing Mount Holly Springs Borough Zoning Ordinance, as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the pre-existing Zoning Ordinance as amended shall, as nearly as possible, be construed to reference this Ordinance.

Section 109 Effective Date

- A. This ordinance shall take effect upon its enactment by the Mount Holly Springs Borough Council.