

## **Land Use Control**

The property was located in an R-3 - High-Density Residential District which allowed for a variety of uses including single-family detached residences, major home occupations, intermediate and adult day care facilities, recreational parks and playgrounds, agriculture and nurseries and family-based community facilities; with a required minimum lot area of 5,000 square feet.

Discussions with Charles B. Remaley, Housing Inspector and Zoning Enforcement Officer for Upper Chichester Township, indicated that there had been no past change in the zoning of the property to industrial. However, a Stipulated Settlement Order granted in the Court of Common Pleas of Delaware County (No. 90-8045, dated November 2, 1990) allowed for utilization of the property for any purposes permitted under the I-2 - Light Industrial District regulations in effect at that time. This court order was pursuant to a dispute between the prior owner (Mercury Tool and Machine) and the township regarding the legality of the existing non-conforming use of the property. Furthermore, any future expansion to the building was to comply with the provisions and regulations governing light industrial facilities set forth under the Upper Chichester Township zoning ordinance. This was provided that the property was not to be utilized for trucking, freight forwarding or as an intermodal transportation facility; nor utilized primarily for wholesaling, warehousing or distributing. In essence, these provisions and regulations superseded the conventional limit for building expansion of 25 percent for non-conforming structures; and that the terms and restrictions of the above court order were binding and ran with the land.