

Exhibit RS2
Mar 1, 2023, 3:49 PM
Good afternoon, Randy,

Thank you for your follow-up questions regarding the terminology of "light industrial" as it relates to the underlying zoning ordinance for Mount Joy Township. As always, know that our office cannot provide you with any legal advice and the information contained herein should not be construed as such.

Based on my research, the meaning of "light industrial" must comport with the underlying ordinance. As stated in Article XVIII (Light Industrial District) of Mount Joy's Ordinances:

This district seeks to provide for a wide range of light industrial and office development within the designated growth area, while avoiding heavy industrial uses that are mostly likely to cause nuisances and hazards; to also provide for commercial uses compatible with neighboring residential areas; to encourage a coordinated interior road system; and to control noise and annoyances.

While the ordinance provides an expressed list of permitted-by-right usages, it also considers certain special exemption usages such as "industrial uses involving warehousing, manufacturing, processing, packaging, production, wholesaling, storage, distribution, or repair of the following products, building area exceeding 50,000 square feet," among others. Any party – in this case, the developer of the warehouse – is entitled to a decision by the zoning hearing board under the ordinance as written at the time of the special exemption application and any challenge to the ordinance must be measured on the basis of reasonableness (see *Larock v. Board of Supervisors*, Commonwealth Court of Pennsylvania. December 5, 2008 961 A.2d 916).

Section 916.1 of the Municipalities Planning Code (Act 247 of 1968) provides that any person directly affected by development under a zoning ordinance may, on substantive grounds, challenge the validity of the ordinance to the zoning hearing board. Challengers must submit to the board a written statement requesting a hearing and outline the reasoning for their challenge. The zoning hearing board must then commence hearings within 60 days; after the conclusion of the final hearing, the board must render its decision within 45 days. The challenge to an ordinance is considered denied when the zoning hearing board fails to commence the hearing within the time limits or fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the challenger and municipality.

In summary, the terminology of "light industrial" must meet the meaning and reasoning of the underlying ordinance, and any applicant seeking a decision by the zoning hearing board is entitled to a ruling based upon that same ordinance. I would like to reiterate that this information should not be taken as legal advice.

Best,
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