

Chapter 27

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Part 1**Title****§27-101. Title.**

This Chapter shall be known and may be cited as the “Connoquenessing Borough Zoning Ordinance of 1991.”

(Ord. 57, 5/2/1991, Article 1)

Part 2**Purpose****§27-201. Purpose.**

This Chapter is deemed necessary by Borough Council to promote the public health, safety and general welfare, to conserve and stabilize property values, and to facilitate economic provision of streets, utilities and other public services.

(Ord. 57, 5/2/1991, Article 2)

Part 3**Community Development Objectives****§27-301. Community Development Objectives.**

1. Connoquenessing is an older, compact community in a rural setting. Most of the development, going back over 70 years, lines both sides of Main Street and two intersecting streets in a linear pattern. Population has remained stable at slightly over 500 for the past 30 years. Of the Borough's 876 acres, only 10 percent are developed, but 95 percent slope less than 8 percent, providing a tremendous opportunity for future development. The built-up part of the Borough has public water and sewer service. Underlying soils are predominantly prime farmland and about half the Borough area is or has been actively farmed.

2. The Borough's community development objectives are these:

A. To promote orderly, efficient growth outward from the village center in a pattern that will support a public sewage disposal system and expansion of water supply.

B. To preserve prime farmland from haphazard development through the use of innovative development techniques.

C. To maintain the small town atmosphere of the village center which gives the Borough its identity.

D. To broaden the tax base by encouraging limited and controlled commercial development on Route 68.

(Ord. 57, 5/2/1991, Article 3)

Part 4**Definitions****§27-401. Definitions.**

The following terms are defined as follows for the purpose of this Chapter. In addition, the words used in the present tense include the future tense; the particular controls the general; the singular includes the plural and the plural the singular; the masculine gender includes the feminine; the words “person” or “developer” include a firm, association, partnership, trust, company or corporation as well as an individual; the word “shall” is mandatory and the word “may” permissive; the words “used” or “occupied” include the words “intended, arranged, maintained or designed to be used or occupied.”

Accessory use - an activity that is incidental to the principal use of a lot and not permitted unless developed at the same time as, or later than, the principal use. An accessory structure contains an accessory use.

Agricultural operation - an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. [Ord. 73]

Amendment - any addition, deletion or revision of the ordinance text or the zoning map officially approved by Council after public hearings.

Apartment - a suite of rooms in a building containing at least one other dwelling unit, each unit, with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside.

Applicant - a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns. [Ord. 73]

Application for development - every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [Ord. 73]

Auto service station - business premises designed to provide retail gasoline sales and incidental sales of auto accessories and traveler needs, plus light auto repair and car washing services within an enclosed building, but not including auto body repair or painting, or the storage of wrecked or junked cars.

Building - any structure having a permanent roof supported by columns or walls and covering an area on the ground.

Building permanent - a building supported upon foundations extending into the ground and constructed thereon, but not capable of being later towed away in one or several components.

Building permit - a document issued by the Borough in accordance with its Building Permit Ordinance [Chapter 5, Part 1] attesting that all requirements of the Borough governing construction have been met and allowing the approved work to commence in conformance with the permit and with this Chapter.

Commercial or private recreation activities - commercial recreation means leisure activity available to the public for a fee, while private recreation means such activity is available only to those who are members of the organization which owns and operates the recreation facilities and their guests.

Common open space - an area or areas within a residential planned development, such area described by bearings and distances and recorded with the plan as permanently not to be developed except for recreational or agricultural purpose.

Community development objectives - a statement required by the Pennsylvania Municipalities Planning Code to appear in a zoning ordinance, demonstrating that the ordinance is based upon a master plan, relative to land use, population density, and location of streets and utilities.

Community sewer and water systems - sanitary sewage disposal and water supply systems constructed by a developer to serve his plan and maintained thereafter by the developer or his assigns or by a homeowners association, in accordance with State DEP standards. [Ord. 76]

Conditional use - the use of a property that may be permitted by Borough Council after study of the proposed use and the property indicates that such use will not downgrade the neighborhood where it is proposed, or be hazardous to the public, Such uses are specified for each zone district by this Chapter. Council after public hearing may attach conditions to approval of a conditional use.

Cross-section drawing - a view drawn at right angles to the plane of the ground surface indicating existing and proposed configuration of the surface as part of a development plan.

Curative amendment - an amendment of this Chapter requested by a property owner requiring Borough Council to schedule a public hearing within 60 days followed by formal action thereon, or an amendment by Council after declaring a part of this Chapter defective, placing a moratorium on property owner curative amendments, and requiring Council's action after public hearing within 180 days.

Day care center - a facility designed to accommodate pre-school age or other dependent persons while parents or guardians are at work.

Decision - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies. [Ord. 73]

Density - a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre.

A. *Gross density* - the ratio of the total number of dwelling units to the total acreage.

B. *Net density* - that ratio of the total number of dwelling units to the acreage within a given tract of land devoted to residential, use, excluding streets, street or

road right-of-way, drainage and utility easements, stormwater detention areas, and parking areas. Additional exclusions are those unbuildable areas and grades (slopes) of 25% or greater after development, and those areas preserved from further development by virtue of classification as wetlands or floodplains. [Ord. 73]

DEP - State Department of Environmental Protection. [Ord. 76]

Developer - any landowner, agent of such landowner, or tenant with the permission of the landowner who subdivides land, erects, expands or alters a structure or structures, changes the surface of the land, or any or all of these.

Development plan - the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, shall mean the written and graphic materials referred to in this definition. [Ord. 73]

District boundary - the edge of a zoning district where it abuts another district or the Borough boundary.

Domestic pets - horses, dogs, small birds, hamsters, tropical fish, etc. that are kept for the personal enjoyment of the residents of the property but are not offered for sale except incidentally.

Drainageway - a sloping depression on the earth's surface, either natural or man-made, to carry stormwater run-off from higher to lower elevations.

Dwelling, multiple-family - a building containing more than two dwelling units, including apartment buildings and connected dwellings with common walls, often called townhouses.

Dwelling, single-family - a dwelling unit designed and intended to be occupied by one family only, and surrounded by open space on the same lot.

Dwelling, two-family - a building containing only two dwelling units, each entirely separate from the other and each with its own access directly to the outside and with separate utility connections.

Dwelling unit - a group of connected rooms in a building for the exclusive use of one family, containing its own private bathing, toilet, cooking and food storage facilities, and with direct access to the outside or via a common hallway to the outside.

Easement - a right-of-way granted across private property for public utility lines or storm drainage, passage over which is guaranteed by the property owner for construction and maintenance.

Enclosed structure - a covered space surrounded by permanent walls extending from the roof to the ground.

Family - an individual, or a group of persons related by blood, marriage or adoption, or a group of not more than three unrelated individuals living together in the same dwelling unit.

Fill - material excavated elsewhere and deposited upon the earth surface in the process of grading for land development.

Forestry - The management of forests and timberlands when practiced in

accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. [Ord. 73]

Garage - an accessory building on a residential lot attached to or detached from the dwelling, or a room within the dwelling, intended for the storage of vehicles operated by the residents of the dwelling and not intended to house an automotive repair or other business.

Grading - the rearrangement of the earth surface by excavation and filling to accommodate development.

Home occupation - a business conducted in a single family dwelling by the residents thereof, involving no exterior changes to the appearance of the dwelling and not creating nuisance or congestion conditions in the neighborhood where it is located.

Home owners association - an organization of all property owners in a residential planned development with responsibility to maintain all those areas of, and facilities within, the plan not sold to private owners, taken over by public bodies, or retained by the developer.

Kennel - a facility for the keeping of dogs within a confined area including an enclosed building for overnight accommodation.

Landowner - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land. [Ord. 73]

Lot - an area of land surface abutting a public street or recorded private street, such area recorded as to ownership and legal description with the County Recorder of Deeds.

Lot depth - the distance from the front property line to the rear property line of a lot, measured between the mid-points of each line.

Lot size - the area of a lot but not including any portions of a street right-of-way encroaching on or crossing the lot.

Lot width - the distance across a lot measured parallel to the front property line along the front setback line.

Mobile or manufacturing home - a transportable, structurally integral single-family dwelling intended for permanent occupancy which arrives on its site ready for use, except for the joining of the matched pair of units if a double-wide home, and other minor assembly; and which is capable of later being disassembled and towed to a second site or lot.

Non-conforming lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment. [Ord. 73]

Non-conforming structure - structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming

structures include, but are not limited to, nonconforming signs. [Ord. 73]

Non-conforming use - a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. [Ord. 73]

Non-profit community club - a civic, social, recreational, educational or cultural organization operated by and for the membership but not as a commercial venture.

Occupancy permit - authorization issued by the Zoning Officer attesting that the proposed use is in accordance with this Chapter and may legally be occupied.

Off-street parking - area set aside on a lot for parking of cars entirely outside a public street.

Parking layout - the arrangement of stalls to contain individual cars and access lanes abutting the stalls and connecting to the public street.

Pennsylvania Municipalities Planning Code - the enabling legislation of the Commonwealth regulating the right of municipalities to adopt zoning ordinances and other development controls.

Planned residential development - as area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance. [Ord. 73]

Posting - the placement of a notice upon a signboard on a property calling public attention to proposed changes in the zoning status of the property, or to a request for a variance, and indicating the date, time and place of the hearing at which such matter will be heard.

Principal permitted use - a use that is expressly allowed by this Chapter to occur on a lot because of the lot's location in a certain zoning district, and to which all other activity on the lot is subordinate.

Principal structure - the main building on a lot, housing the principal use of the lot.

Principal wall - any wall of a multiple family building containing all the windows of at least one apartment.

Private street - a vehicular passage in a recorded right-of-way that has not been adopted by the Borough or State for perpetual maintenance.

Public hearing - a meeting called by Borough Council or the Zoning Hearing Board, properly noticed in advance, for the purpose of taking testimony on the matter being heard, as a basis for Council or the Board to make a later decision.

Public improvements - all roads, streets, walkways, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the Borough for which plans and specifications must comply with the standards and specifications of the Borough. [Ord. 73]

Public meeting - a forum, held pursuant to notice under the act of July 3, 1986 (P.L.

388, No. 84) known as the "Sunshine Act." [Ord. 73]

Public notice - a notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [Ord. 73]

Public sewer and water systems - sanitary sewage disposal or water supply system designed, constructed and maintained by a public authority or a public utility under regulations of the State DEP [Ord. 76]

Public utility - a service distributing water, gas, electricity, oil or steam, or collecting sanitary sewage by means of a network of overhead or underground conduits and requiring at various locations to maintain efficiency of the system pumping, regulating, transformer, switching or other devices or structures, but not including business offices or yards or buildings for the storage or maintenance of equipment used by the utility, unless such structures are expressly allowed in the zone district.

Recording drawing - the document showing the final layout of a development plan, approved by Council and ready for recording with the County Recorder of Deeds.

Right-of-way - a strip of land containing a street providing access to properties or lots that abut it and connecting to other public ways, or an easement across private property for the passage of public utilities or the disposal of stormwater.

Screen - a buffer intended to protect residential properties from abutting commercial and industrial activities that might deteriorate the residential property values or enjoyment of their properties by the residents.

Setback - the distance a structure must be removed from an adjacent property line; thus the front setback line describes the limit of construction on a lot behind the property line abutting the street.

Sewage disposal, on-lot - the disposal of sanitary sewage created on the premises in the soils of the lot without drainage onto abutting properties or streets.

Sewage Enforcement Officer - a person licensed by the State and appointed by Borough Council to determine the adequacy of on-lot sewage disposal installations in the Borough.

Special exception - the use of a property that may be permitted by the Zoning Hearing Board after study of the proposed use and the property indicates that such use will not downgrade the neighborhood where it is proposed or be hazardous to the public. Such uses are specified for each zone district by this Chapter. The Board, after public hearing, may attach conditions to approval.

Stable - a building to accommodate horses, limited to one stall on properties of less than 44,000 square feet in area.

Stenographic record - a verbatim transcription of the testimony taken at a public hearing, recorded by a professional stenographer at the hearing.

Story - that portion of space of a building included between the surface of any floor and the surface of the floor next above it or where there is no floor above it, the ceiling next above it. For the purposes of this Chapter that portion or space shall not exceed 12.5 feet in height.

Street - an improved vehicular surface within a right-of-way which affords the primary means of access to abutting properties. A public street is one that has been adopted by the Borough or the State of perpetual maintenance.

Structure - any permanent man-made construction in, on or over the ground surface and attached to the ground, but not including paving or surfaces treated for vehicular or pedestrian use.

Variance - a grant of the Zoning Hearing Board permitting an owner to use a property not wholly in accordance with this Chapter because the Board finds that strict conformance would be a hardship, not created by the owner, depriving him of reasonable use of the property, and a specific minor variation or variations in the regulations determined by the Board will not detrimentally affect abutting properties or the public.

Yard - the front, side or rear of a property between property line and setback line, the depth of which is specified for each zoning district by this Chapter and within which buildings with permanent roofs or any portion thereof, cannot be built.

Yard, front - the area of lot between the front property line abutting the street or streets to which the property has access, and the front setback line, and extending between the side lot lines.

Yard, rear - the area of a lot between the rear property line and rear setback line and extending between the side lot lines.

Yard, side - the area of a lot between the side property line and side setback line on each side of a property and extending between the front and rear yard.

Zoning classification - the combination of uses that are permitted by right or conditionally and the height and setback standards that apply uniformly throughout a zoning district.

Zoning Hearing Board - a Board appointed by Borough Council to examine and decide appeals for relief from strict conformance to this Chapter, to hear testimony regarding the validity of any regulations upon development in the Borough or regarding challenges to the decisions of the Zoning Officer, and to hear and decide requests for special exception uses.

Zoning Map - the official plan of zoning districts in the Borough, a part of this Chapter, showing precisely the boundaries and title of each zoning district.

Zoning Officer - a person retained by the Borough, who is not a member of Council, to enforce the regulations of this Chapter, with power to issue occupancy permits, to halt illegal construction, and to interpret the meaning of the various Sections of this Chapter subject to appeal before the Zoning Hearing Board.

(*Ord. 57, 5/2/1991, Article 4; as amended by Ord. 73, 12/19/2002, §1; and by Ord. 76, 12/29/2003*)

Part 5**Official Zoning Map****§27-501. Official Zoning Map.**

A copy of the Zoning Map is bound into the rear of this Chapter and is an integral part of the Chapter. The Official Map shall be located in the office of the Borough Secretary, and shall be located in the office district boundaries are amended. No changes of any kind shall be made to the map except after amendments adopted by Council. The Zoning Officer shall be the authority as to the location of district boundaries that are contested. Appeal from his decision shall be to the Zoning Hearing Board.

(Ord. 57, 5/2/1991, Article 5)

Part 6**Application of District Regulations****§27-601. Application of District Regulations.**

The regulations within each zone district shall apply uniformly to every proposed development therein. No building, structure or land area shall, after adoption of this Chapter, be erected, used or altered unless to conform with the regulations in the zone district containing the property to be developed, or unless a variance has been granted by the Zoning Hearing Board allowing specific modification of the regulations. No yard or lot area of off-street parking space required by one building, structure or land use shall be credited to another building, structure or use. No yard or lot or off-street parking area shall be reduced in size or number so as to be less than the minimums prescribed for the zone district. Land henceforth annexed by the Borough shall be placed in the Agricultural Zone District until Council amends this Chapter to place the annexed area in the most appropriate district.

(Ord. 57, 5/2/1991, Article 6)

Part 7**Establishment of Zoning Districts****§27-701. Establishment of Zoning Districts.**

The Borough is hereby divided into five zoning classifications as shown on the Zoning Map. The regulations that apply in each classification are contained in §27-108. The five classifications are Agricultural, Residential, Village Center, Commercial and Light Manufacturing.

(Ord. 57, 5/2/1991, Article 7)

Part 8**Regulations Within Each Zoning District****§27-801. Regulations Within Each Zoning District.**

Within each zoning district lands, buildings and structures shall be used, and buildings and structures shall be erected, altered or enlarged only for any of the uses permitted by right in the zone district, or for a conditional or special exception use in accordance with the requirements of this Part. The principal permitted uses (allowed by right), accessory uses and conditional and/or special exception uses for each zone district are listed below. Accessory uses may only be constructed concurrent with or later than the principal use they serve.

(*Ord. 57, 5/2/1991, Article 8*)

§27-802. Agricultural Zone District (A).1. *Permitted Uses.*

- A. Single-family dwelling.
- B. Church and supporting facilities (social hall, educational buildings, parsonage an parking).
- C. Public or parochial elementary or secondary school.
- D. Governmental or public utility structures, facilities and rights-of-way.
- E. Agricultural operations of all kinds.
- F. Commercial nursery for plant materials.
- G. Commercial stable or kennel.
- H. Cemetery.
- I. Forestry. [*Ord. 73, 12/19/2002*]

2. *Permitted Accessory Uses.*

- A. Residential garage.
- B. Housing for domestic pets.
- C. Recreation facilities for the use of residents of the lot and their guests.
- D. Garden equipment shed.
- E. Farm buildings for storage of equipment, produce and/or animals.
- F. Roadside stand for seasonal sale of farm produce grown on land in the same ownership as the stand.

3. *Conditional Uses.* (See Part 12.)

- A. Planned residential development (see Part 11). [*Ord. 73, 12/19/2002*]
- B. Nonprofit community club.
- C. Veterinary hospital.
- D. Commercial or private recreation activities.
- E. Mobile home park (see Borough Mobile Home Park Ordinance [Chapter 14]).

- F. Long distance transmission lines.
- 4. *Special Exception Uses.* (see Part 12).
 - A. Home occupation (see §27-904).
 - B. Convalescent or retirement home.
 - C. Second dwelling on an undivided lot (see §27-901.3).
- 5. *Minimum Area Requirements.*
 - A. Lot area: 43,560 square feet (1 acre) except lots in planned residential developments (see Part 11). [*Ord. 73, 12/19/2002*]
 - B. Lot width: 100 feet.
 - C. Front yard depth: 40 feet.
 - D. Side yard depth: 10 feet.
 - E. Rear yard depth: 40 feet.

(*Ord. 57, 5/2/1991, §8.10; as amended by Ord. 73, 12/19/2002, §2*)

§27-803. Residential Zone District (R).

- 1. *Permitted Uses.*
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Church and supporting facilities (social hall, educational building, parsonage and parking).
 - D. Public or parochial elementary or secondary school.
 - E. Governmental or public utility structures, facilities and rights-of-way serving Connoquenessing Borough and/or immediately surrounding area.
 - F. Agricultural operations limited to the growing of field or market garden crops.
 - G. Forestry. [*Ord. 73, 12/19/2002*]
- 2. *Permitted Accessory Uses.*
 - A. Residential garage.
 - B. Housing for domestic pets.
 - C. Recreation facilities for the use of residents of the lot and their guests.
 - D. Garden equipment shed.
 - E. Farm building for storage of equipment, produce and/or animals.
- 3. *Conditional Uses.* (See Part 12)
 - A. Planned residential development (see Part 11). [*Ord. 73, 12/19/2002*]
 - B. Long distance transmission lines.
 - C. Nonprofit community club.
- 4. *Special Exception Uses* (see Part 11).
 - A. Home occupation (see §27-904).
 - B. Convalescent or retirement home.

C. Boarding or lodging homes or foster care facilities (see §27-908).

5. *Minimum Area Requirements.*

A. Lot area: 21,780 square feet (.5 acre) except lots in planned residential developments (see Part 11). [Ord. 73, 12/19/2002]

B. Lot width: 100 feet.

C. Front yard depth: 40 feet.

D. side yard depth: 10 feet.

E. Rear yard depth: 40 feet.

F. Maximum density for multi-family development: 5,445 square feet of lot area per dwelling unit, provided the requirements of subsections .A through .E are maintained, public sewer and water services are available to the lot and two off-street parking spaces per dwelling unit (see §27-906) are available on the lot. [Ord. 73, 12/19/2002]

(Ord. 57, 5/2/1991, §8.20; as amended by Ord. 73, 12/19/2002, §3; and by Ord. 11/1/2001)

§27-804. Village Center District (VC).

1. *Permitted Uses.*

A. Single-family dwelling.

B. Two-family dwelling.

C. Church and supporting facilities (social hall, educational building, parsonage and parking).

D. Governmental or public utility structures, facilities, and rights-of-way serving Connoquenessing Borough.

2. *Permitted Accessory Uses.*

A. Parking lot and servicing area.

B. Apartments above retail, service or office uses on the first floor, assuming public sewer and water services are provided to the lot.

C. Apartment of the owner or operator of a business in the same structure as the business.

D. Housing for domestic pets.

E. Recreation facilities for the residents of the lot and their guests.

F. Garden equipment shed.

3. *Conditional Uses.* (See Part 12.)

A. Apartment building assuming public sewer and water services are provided to the lot.

4. *Special Exception Uses.* (See Part 12.)

A. Retail sales store for the sale of food and associated items normally found in a supermarket, household supplies, florist, convenience goods, etc.

B. Personal services outlet, including beauty and barber shops, medical and dental offices and clinics, repair of minor household equipment, bank, savings and

loan institution, laundromat, dry cleaning pick-up, photo studio, funeral home, catering services, etc.

- C. Business offices.
- D. Restaurant without drive through service.
- E. Home occupation.

5. *Minimum Area Requirements.*

- A. Lot area: 21,780 sq. ft. (.5 acres). [*Ord. 73, 12/19/2002*]
- B. Lot width: 100 feet.
- C. Front yard depth: 20 feet.
- D. Side yard depth: 5 feet.
- E. Rear yard depth: 20 feet.

F. Maximum density for apartment development: 1,800 square feet of lot area per dwelling unit, provided the requirements of subsections A. through E. above are maintained, public sewer and water services are available to the lot and two (2) off-street parking spaces per apartment (see §27-906) are available on the lot. [*Ord. 11/1/2001*]

(*Ord. 57, 5/2/1991, §8.30; as amended by Ord. 73, 12/19/2002, §4; and by Ord. 11/1/2001*)

§27-805. Commercial District.

1. *Permitted Uses.*

- A. Retail sales store.
- B. Personal services outlet.
- C. Business, medical, dental or professional office.
- D. Restaurant with sit-down services and if drive through is offered, at least eight vehicle waiting spaces approaching the order window.

2. *Permitted Accessory Uses.*

- A. Parking lot and truck servicing area.
- B. Apartments on the second floor above commercial uses on the first floor, provided public sewer and water services are available to the lot and the lot contains at least 4,000 square feet and one parking space for each apartment.

3. *Conditional Uses.*

- A. None.

4. *Special Exception Uses.* (See Part 12.)

A. Any commercial use similar in character to and compatible with the permitted retail sales, personal service or office uses.

5. *Minimum Area Requirements.*

- A. Lot area: 43, 560 square feet (1 acre). [*Ord. 73, 12/19/2002*]
- B. Lot width: 100 feet.
- C. Front yard depth: 50 feet.

D. Side yard depth: 20 feet.

E. Rear yard depth: 20 feet.

(Ord. 57, 5/2/1991, §8.40; as amended by Ord. 73, 12/19/2002, §5)

§27-806. Light Manufacturing District (LM).

1. *Permitted Uses.*

A. Auto, truck, agricultural machinery or recreation vehicle sales, service and repair.

B. Building materials sales and custom manufacturing of components used in construction of buildings.

C. Contractor's office and storage yard.

D. Manufacturing of products from raw materials produced elsewhere and work is done entirely within an enclosed building.

E. Printing and bookbinding operations.

F. Research and development laboratory.

G. Truck terminal.

H. Warehousing.

2. *Permitted Accessory Uses.*

A. Employee and visitor parking.

B. Truck servicing areas.

C. Outdoor storage of finished products.

D. Incidental retail sales from a manufacturing plant.

3. *Conditional Uses.*

A. Communications tower. [Ord. 73, 12/19/2002]

4. *Special Exception Uses* (see Part 12).

A. Uses similar to and compatible with the permitted uses.

5. *Minimum Area Requirements.*

A. Lot area: 40,000 sq. ft.

B. Lot width: 100 feet.

C. Front yard depth: 40 feet.

D. Side yard depth: 20 feet.

E. Rear yard depth: 40 feet.

(Ord. 57, 5/2/1991, §8.30; as amended by Ord. 73, 12/19/2002, §6)

Part 9**Supplementary Regulations****§27-901. Minimum Lot Size and Frontage.**

1. Lots of record lacking minimum area or frontage; a lot legally recorded before adoption of this Part, containing less lot area and/or lot frontage on a public street than required, may be developed for any use permitted in the zone district where the lot is located without application for a variance provided:

A. No reduction of front, side or rear yards is required to accommodate the proposed development.

B. The lot does not abut along a common side lot line property in the same ownership.

C. If public sewer and water are not available, the Borough Sewage Enforcement Officer certifies the lot as being acceptable for on-lot sewage disposal considering the proposed use to be placed on it.

2. *Determination of Lot Area If Lot Extends to Street Centerline.* In such case the street right-of-way shall be assumed to be 40 feet wide and a strip 20 feet wide along the edge of the property abutting the street shall be excluded from the lot in determining area.

3. *Number of Principal Permitted Uses on a Lot.* Only one principal permitted use shall be allowed on an undivided property, and only one dwelling building shall be permitted on a lot except in the case of a mobile home park, a residential planned development, or a second dwelling on a lot situated so that if the property is later subdivided both dwellings will occupy lots meeting all area, yard setback and frontage requirements that apply in the zone district.

4. The Borough Sewage Enforcement Officer may refuse a permit for development of any lot if he finds the proposed plan for sewage disposal cannot be accommodated on the lot and the lot does not have access to public or community sewer and water systems approved by the State DEP [Ord. 76]

(Ord. 57, 5/2/1991, §9.10; as amended by Ord. 76, 12/29/2003)

§27-902. Regulations in Required Yards.

1. When a lot abuts two streets, the yards abutting each street shall be considered front yards for purposes of placing buildings on the lot.

2. *Permitted Projections into Yards.* Roof overhangs, chimneys, open balconies, bay windows, fire escapes, and covered porches may extend up to 5 feet into a required front, side or rear yard, but not closer than 3 feet to a property line.

3. *Uses Permitted in Required Yard Area.* Driveways, patios and parking areas shall not be constructed closer than 3 feet to any property line unless the developer receives written permission from the neighboring property owner to extend closer to the line or to abut it. A copy of such agreement shall be filed with the Borough.

4. When a vacant lot occurs adjoining a lot or lots containing principal buildings which are forward of the front setback line, development on the vacant lot may be set back from the street not less than the average of setbacks of the building on the

adjoining lot or lots or the average of the existing building and the minimum set back distance for the zone district.

5. *Hedges and Fences as Obstructions.* At street corners, fences and hedges shall be held back to assure adequate vision for drivers approaching the intersection on each street. No fence or hedge shall be erected or maintained within 5 feet of a property line to exceed a height greater than the distance between the property line and a dwelling on the neighboring property.

(Ord. 57, 5/2/1991, §9.20)

§27-903. Building Height.

1. *Building Height.* Applicable to all structures in any zoning district with the exception of communications towers. (See §27-1208.) [Ord. 73]

A. *Maximum Height.* Except for communication towers, no principal building/ shall exceed two stories or 25 feet in height, whichever is less, and no accessory building, with the exception of agricultural accessory buildings, shall exceed 15 feet in height. [Ord. 76]

B. *Measurement of Height.* Height shall be measured as the vertical distance between ground level and the top of the wall or the top of the roof, using the wall with the lowest ground level. On a sloped-roof building the top of the wall shall be considered as half-way between the roof's eave line and ridge line.

C. *Exceptions.* Chimneys, church steeples, flagpoles, water tanks, silos and other farm buildings, mechanical equipment mounted on a roof and communications equipment shall be exempt from the maximum height regulations.

(Ord. 57, 5/2/1991, §9.30; as amended by Ord. 73, 12/19/2002, §7; and by Ord. 76, 12/29/2003)

§27-904. Home Occupations.

When issuing a permit for a home occupation, the Zoning Officer shall determine the exact nature of the proposed occupation, including products to be sold or services offered, and shall also determine that the proposal will not generate nuisance conditions or congestion for neighbors and that there will be adequate off-street parking on the property. The permit, if granted, shall be posted on the front of the property where the home occupation will be located for a period of 30 days following the date of issue. A second home occupation may be permitted on the same property but only for seasonal purposes not to exceed 1 month in any calendar year. The same conditions that apply to the first home occupation shall apply to the second.

(Ord. 57, 5/2/1991, §9.40)

§27-905. Apartments.

1. Any single-family dwelling in the residential or village center zone district may be converted to a two-family dwelling provided that after conversion each dwelling will have at least 600 square feet of floor area, its own toilet and washing facilities in a separate room, as well as a stove, refrigerator and food preparation areas; each dwelling will have two means of egress directly to the outside as well as one off-street parking space, and if there is no connection of the building to public or community sewers, the

Borough Sewage Enforcement Officer finds that the property will support a second dwelling unit.

2. Any apartment constructed within a building erected in the Village Center zone district shall have at least 450 square feet of floor area, its own toilet and washing facilities in a separate room, as well as a stove, refrigerator and food preparation area, and off-street parking space on the lot.

(Ord. 57, 5/2/1991, §9.50)

§27-906. Off-Street Parking.

1. The developer of any business building or multi-family apartment building constructed or expanded after adoption of this Part shall provide on the same property as the business or apartment building off-street parking spaces in accordance with the following schedule:

A. *Retail Sales and Service Businesses.* One space for each 300 square feet of floor area occupied by the business or expansion.

B. *Manufacturing or Other Business Not Selling Directly to the Public.* One space for each employee on the largest shift, such number to be adjusted upwards if necessary when the employment increases, or business changes hands.

C. *Apartments.* Two spaces for each apartment. If apartments share a property with business uses, such apartment parking shall be in addition to that provided for the business. [Ord. 11/1/2001]

2. Parking areas shall be covered with an all-weather dust and mud-free surface but not necessarily paved.

3. Each parking space shall be at least 9 feet wide by 18 feet deep. Maneuvering to enter or leave a parking space shall not occur on a public street pavement, except an alley with a right-of-way width of 20 feet or less may be used. [Ord. 11/1/2001]

(Ord. 57, 5/2/1991, §9.60; as amended by Ord. 11/1/2001)

§27-907. Signs.

1. The term “sign” shall mean any panel or any construction of interrelated parts projecting a message by words, symbols and/or pictures designed to be viewed by the public, but not including the support of the sign. The sign’s “area” shall be the length times width of the panel or all the area enclosed by connecting the outer extremities of the sign’s interrelated parts, except the members supporting the sign.

2. No signs illuminated by a flashing, pulsating or intermittent source, no strings of bare bulbs and no signs lighted in such a manner as to create glare conditions on adjacent streets or properties shall be permitted. No sign shall extend to more than 35 feet above ground level. Nor shall any sign be placed upon the roof of a building or extend above the top of a wall of a flat-roofed building. No sign shall obstruct sight distances or create confusion for motorists.

3. Signs that are free-standing shall be placed only in yards abutting a street and not closer to an adjacent property than the width of the side yard in the zone district where the property is located. No sign shall extend into or over a street right-of-way.

4. A permit issued by the Zoning Officer shall be required for any permanent sign exceeding 6 square feet in area. The permit application shall indicate the property

owner's name, address and phone number and the location, height and elevation view of the proposed sign. Permit fees shall be established by resolution of Council.

5. The following types of signs shall be exempt from permits but still subject to control of this subsection: real estate sales signs, signs advertising a public, charitable or religious institution or event, signs erected by an agency of any level of government, safety zone or no hunting signs, and temporary signs to be in place for 30 days or less.

6. The Zoning Officer may order a sign or its structure repaired or removed if it is unsafe or dilapidated or if the business or activity it advertises has been terminated at least 60 days. Sign owners that do not comply with the Zoning Officer's written request within 30 days shall be subject to penalties under §27-503.

7. In the Agricultural and Residential Zone districts signs may be free-standing, attached to a lamppost or fence or attached flat to a building wall. The following types of signs are permitted: property identification signs showing the name of a farm and/or residents of a property; farm produce sales sign; real estate sales signs: signs identifying a home occupation, or contractors while at work on a construction project, or a public or semi-public institution or the entrance to a residential plan, temporary signs advertising affairs of a cultural, religious, political or educational nature; and signs erected by a government body. Signs shall not exceed 32 square feet in area except that property identification signs and home occupation signs shall not exceed 6 square feet in area.

8. In the Commercial and Village Center zone districts business signs may be free-standing, attached to a lamp-post or fence, applied flat to a wall surface or hung from a wall if the sign does not project more than 4 feet from the wall surface and the bottom is at least 7 feet permitted: All those allowed in the Agricultural and Residential zone districts and signs identifying a business on the same property as the sign. In the Village Center zone, signs on residential properties shall adhere to sign requirements that apply in the Residential zone district. Projecting signs shall not exceed 20 square feet in area each face. Free-standing signs shall not exceed 32 square feet in area each face if in the Village Center zone district, or 64 square feet in area each face if in the Commercial zone district. Wall signs shall not exceed 10% of the area of the wall to which they are attached including openings. Signs may be illuminated from within or by a hidden indirect source only.

9. In the Light Manufacturing zone district all kinds and types of signs allowed in the Village Center zone district are permitted as well as billboards whose area is not less than 250 square feet or more than 400 square feet. Projecting signs shall not exceed 32 square feet in area each face and free-standing signs not more than 10% of the wall surface to which attached. Signs may be illuminated from within or by an indirect source only.

(Ord. 57, 5/2/1991, §9.80)

§27-908. Day Care Centers, Boarding Houses and Foster Care Facilities.

1. A day-care center to accommodate not more than six persons not resident in the dwelling may be operated as a home occupation in any single-family dwelling occupied by the owner.

2. A boarding house in which not more than two boarders live in addition to the resident family may be operated as a home occupation in a single-family dwelling

provided the owner of the dwelling is a resident of the building and an off-street parking space is provided for each boarder on the lot.

3. A foster care facility in which not more than four persons placed by court order or by a State agency are resident, and supervised by a full-time staff person or persons, under license of the State, may occupy a single-family dwelling.

(Ord. 57, 5/2/1991, §9.90)

§27-909. Accessory Buildings and Uses.

1. Accessory buildings may only be constructed concurrent with or later than the principal building on the lot. An accessory building shall be located only to the rear or to the side of the principal building and not forward of the front wall of the principal building, except buildings for farming purposes may occupy any area of a property within the setback lines. No dwelling unit shall be located in an accessory building.

2. No accessory building, except for farm buildings, shall occupy more than 600 square feet of ground area or 10% of the lot area up to a maximum of 2,000 square feet, whichever is greater. If several accessory buildings are located on the same lot, not including a swimming pool, the total area they occupy shall not exceed the above limitations. Accessory buildings shall be not less than 10 feet from any side or rear property line except that in the Village Center zone district they may be not less than 5 feet from a side or rear property line.

3. Swimming pools shall be considered an accessory use and shall require a building permit. Each in-ground pool shall be surrounded by a sturdy continuous fence at least 4 feet in height, access through which is controlled by a gate capable of being locked. Above ground pools with a depth exceeding 18 inches shall be equipped with a removable ladder or a flip-up or retractable ladder or steps. Natural or man-made lakes or ponds and one-piece plastic wading pools are exempt from these regulations.

4. Accessory buildings existing at the date of adoption of this part and set back from property lines less than the minimum distance required for the zone district in which the building is located, may be replaced upon the foundations of the original building, without the need for appeal to the Zoning Hearing Board; provided, that the replacement building is of the same length, width and height as the original building, or lesser dimensions, and does not further violate the minimum setback requirements.

(Ord. 57, 5/2/1991, §9.90)

Part 10**Site Development****§27-1001. Grading.**

1. Earth movement shall result in finished grades that do not exceed two horizontal to one vertical unless a report prepared by a professional engineer verifies that specific steeper slopes in a particular location will not compromise the stability of the completed slope or areas above or below it or threaten adjacent streets or property.

2. Topsoil shall be removed and stockpiled before the start of grading.

3. Graded slopes shall be planted with a fast-catching grass cover as soon as grading is completed.

4. Where fill is used it shall be placed in layers not exceeding 8 inches in depth, thoroughly compacted, and keyed into undisturbed earth at the edges of the fill.

5. Accompanying the application to Borough Council for any residential multi-family or planned development, or commercial or light manufacturing development where site grading is proposed, there shall be submitted a cross section drawing or drawings through the property to illustrate the proposed grading, indicating the steepness of proposed slopes.

6. This Section shall not apply to development of single- or two-family dwellings or to agricultural operations.

(Ord. 57, 5/2/1991, §10.10)

§27-1002. Drainage.

1. Stormwater shall not be permitted, as a result of development undertaken after adoption of this part, to collect upon any property; or to pass from one property onto another in a concentrated flow without benefit of a legal easement; or to cross a public street on the surface.

2. In any residential multi-family or planned development or commercial or light manufacturing development, the application to Borough Council shall be accompanied by a plan to indicate how stormwater will be collected and removed from the property.

3. Council may require, where no subsurface storm drainage system is available and/or where large areas are to be covered with structures and paved surfaces, that developers provide storm retention vessels on their properties of sufficient capacity to hold at least the flow from the 50-year storm of record (4.7 inches in 24 hours) for release at no greater flow than the 10-year rate (3.8 inches in 24 hours) into an approved drainageway or stream. Council may ask the Butler County Conservation District for assistance in determining need for, and adequacy of stormwater management facilities. In no case shall stormwater leave the property in a greater amount or greater flow after development than before development commenced.

(Ord. 57, 5/2/1991, §10.20)

§27-1003. Review of Multi-family or Commercial Development Proposals.

1. Any landowner proposing to develop property for multi-family, planned residential, commercial or light manufacturing use, or to expand such construction on

property already partly developed, shall present a plan of his proposal to Borough Council.

2. Council may not deny a landowner a use which is permitted by this Part in the zone district where the property is located. However Council may attach conditions to approval when Council determines that the public health and safety is in jeopardy if the plan as proposed is implemented. If the proposed use is a conditional use, Council may act on the conditional use application concurrently with the site plan. If there is doubt about the proposed use as permitted or conditional, Council may ask the Zoning Hearing Board for a decision.

3. The plan of the proposal shall clearly show the location and height of all buildings existing and proposed on the property as well as property lines, adjacent streets, and access to them from the property, proposed parking layout, proposed site grading, methods to control and dispose of stormwater.

4. Council shall review the plan at its next meeting after receipt. It may ask the landowner to attend and may ask the County Conservation District or other agencies for advice before making a decision to approve the plan as submitted, approve with modifications, or reject it. Council shall make its decision not later than the third regular meeting after it first reviewed the plan and shall inform the landowner in writing of the decision, and, if not approved as presented, reasons why the plan was rejected, or what conditions are attached to approval. If the plan is approved as submitted, or if the landowner accepts the conditions, Council shall authorize issuance of a building permit. Otherwise the plan shall be considered as rejected. If the developer withdraws his plan and resubmits it, the plan shall be considered and reviewed as a new plan. The developer may negotiate with Council regarding conditions Council may attach to approval.

(Ord. 57, 5/2/1991, §10.30)

§27-1004. Fencing or Hedges to Screen Residential Properties.

1. The developer of any business building constructed or expanded after adoption of this Chapter shall provide along the edge of his property, where it abuts land in the Agricultural, Residential or Village Center zone districts, a fence not less than 6 feet nor more than 8 feet in height.

2. The fence surface, when viewed in elevation on the side opposite the business development, shall be at least 75% opaque. Fencing shall be of wood or metal capable of withstanding all weather conditions for an extended period of years.

3. Fencing shall be maintained in good repair by the business owner. Nothing shall prevent the owner of the abutting lot from landscaping along his side of the fence and/or maintaining his side with the fence owner's permission. The Zoning Officer may order a fence erected for compliance with this Section repaired or replaced by the owner if the Zoning Officer finds that such fence is in bad repair or maintenance.

4. Borough Council may, on petition of a business property owner, approve a screen provided by a dense planting of evergreen hedging to be maintained in good health and to the heights required for a fence. Such hedging shall be at least 4 feet in height when planted.

5. Fencing or hedges shall be placed along rear lot lines of properties to be

protected and along side lot lines from the rear lot line forward to the front setback line. (Ord. 57, 5/2/1991, §10.40)

§27-1005. Performance Standards (Environmental).

1. The presence of environmental or natural features on any site proposed for land development or subdivisions of 4 acres or more shall be identified and meet the following standards for environmental protection. Site alterations, regrading, filling or clearing of vegetation prior to approval of the plans for development or subdivision shall be a violation of this Sections.

A. *Floodplain Delineation.* 100-year floodplains shall be delineated by accepted analytical procedures approved by the Borough Engineer.

B. *Floodplains Development.* Development activities shall be regulated as per the provisions of current floodplain regulations, as amended from time to time, and applicable Commonwealth regulations, specifically Chapter 105, Title 25 of the Pennsylvania Code.

C. *Steep Slopes.* In areas of steep slopes, i.e., those above 15%, the following standards shall apply:

(1) 16-25%: No more than 60% of such areas shall be developed and/or regraded or stripped of vegetation.

(2) 26% or more: Earth disturbance activities are generally restricted except as authorized by the Borough Engineer.

D. *Forest.* No more than 50% of any forest (minimum 2 acres with at least 20 specimens at 16 inches DBH) may be cleared or developed.

E. *Ponds, Watercourses or Wetlands.* No development, filling, piping or diverting shall be permitted except for required roads and utility line extensions, unless permitted by the appropriate state, county or regulatory agency.

F. *Stormwater Drainage and Management.* All plans shall comply with the provisions of state and local regulations in effect at the time of final approval.

G. *Soil Erosion and Sedimentation.* With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the Clean Streams Law, P.L. 1987, Chapter 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection. In addition, a soil erosion and sediment control plan (ES & SC Plan) shall be required as part of the application for any Borough permit where earth disturbance or excavation will occur. As a minimum where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive than single family construction.

2. *Odor.* Those standards for the control of odorous emissions established by the Pennsylvania Department of Environmental Protection shall be applied in all zoning districts. Where an odor is deemed offensive, a duly authorized Borough representative shall refer the matter to the proper agency.

3. *Storage and Waste Disposal.*

A. No highly flammable, explosive or toxic liquids, solids or gases shall be stored in bulk (over 500 gallons), above ground except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.

B. All permanent bulk outdoor storage facilities for fuel over 500 gallons, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.

C. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses, or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies. A Pennsylvania Department of Environmental Protection approved plan for spill containment shall be submitted to the Borough for review by the Borough Engineer prior to the issuance of any required permit.

D. Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

4. *Air Pollution.* No emission at any point from any chimney or otherwise of visible smoke in excess of that permitted by the air pollution control regulations of the Pennsylvania Department of Environmental Protection shall be permitted.

5. *Dust, fumes, vapors, and gases.* The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

6. *Glare.* No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines or onto any public road. Illumination levels shall not exceed 1 footcandle per square foot at the lot boundary line where the light source is located. [Ord. 73, 12/19/2002]

7. *Vibrations.* No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of vibration produced as a result of temporary construction activity.

8. *Discharge.* No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or Insects is permitted.

9. *Heat, Cold, Dampness or Movement of Air.* No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material affect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.

10. *Noise.* No new use proposed in any district which by the nature of its use,

operation or activity produces noise of objectionable character or volume as noted by a person at the property line of the parcel upon which the offending use is located, will be permitted:

A. *Residential Uses.*

(1) In excess of 60 dBA for any period of time between the hours of 10:00 p.m. and 7 a.m.

(2) In excess of 80 dBA for any period of time between the hours of 7:01 a.m. and 9:59 p.m.

(3) The use of maintenance equipment including, but not limited to, power mowers, on a temporary basis, in residentially zoned districts shall be exempt from the standards in this Section.

B. *Commercial Uses.* In excess of 90 dBA for more than 2 hours during a 24 hour period.

C. *Industrial Uses.* In excess of 90 dBA for 2 hours during a 24-hour period.
(*Ord. 57, 5/2/1991; as added by Ord. 73, 12/19/2002, §8*)

§27-1006. Electrical Disturbance or Radioactivity.

No activities which emit dangerous radioactivity at any point are permitted and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.

(*Ord. 57, 5/2/1991; as added by Ord. 73, 12/19/2002, §8*)

Part 11**Planned Residential Development****§27-1101. General Provisions.**

1. The provisions in this Part are established to:

A. Permit a flexibility that will encourage innovations in residential and nonresidential development.

B. Permit a greater variety in type, design and layout of dwellings and other buildings and structures, and the conservation and more efficient use of open space ancillary to said dwellings and structures.

C. Encourage a more efficient use of land and of public services and to reflect changes in the technology of land development.

D. Provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

(*Ord. 57, 5/2/1991; as amended by Ord. 73, 12/19/2002, §9 (11.01)*)

§27-1102. Grant of Power.

The Connoquenessing Borough Council is designated the body to administer the provisions of this Part and pursuant to such provisions may approve, modify or disapprove any planned residential development proposed within the Borough.

(*Ord. 57, 5/2/1991; as amended by Ord. 73, 12/19/2002, §9 (11.02); and by Ord. 76, 12/29/2003*)

§27-1103. Development Standards and Conditions.

Uses permitted in a planned residential development may include:

A. Dwelling units of any dwelling type or configuration, not exceeding eight dwellings units per structure, or any combination thereof.

(1) Maximum net density (as defined) - two dwelling units per acre.

(2) Maximum percentage of multi-family dwelling units - 30% of total number of dwelling units.

B. Churches and other places of worship.

C. Schools, both public and private, if such schools are chartered or licensed by the Commonwealth.

D. Municipal and public utility service buildings, structures and facilities to serve the planned development.

E. Community assembly halls, recreation centers and membership clubhouses related to the planned residential development.

F. Real estate sales and rental office serving the planned residential development only.

G. Swimming pools and recreation areas serving the planned residential development only.

H. Private or group garages and parking areas.

I. Those nonresidential uses deemed to be appropriate for incorporation in the design of the planned residential development including but not limited to personal services and restaurants, not to exceed land in excess of 2% of the lot or tract area.

J. Signs in conformance with the provisions of §27-109.

(Ord. 57, 5/2/1991; as amended by Ord. 73, 12/19/2002, §9 (11.03))

§27-1104. Bulk and Dimensional Requirements.

1. Minimum lot or tract size: 10 acres.
2. Minimum lot area:
 - A. Single-family residential - 21,780 square feet (.5 acres).
 - B. Multi-family residential (two or more dwelling units) - 5,445 square feet (.125 acres) per dwelling unit.
3. Maximum building coverage of site: 20%.
4. Minimum distances between multi-family residential buildings on the site:
 - A. End walls face each other but contain no apartment windows: 20 feet.
 - B. End walls face each other and contain apartment windows: 35 feet.
 - C. End wall of one building faces principal facade (front or rear) of neighboring building: 45 feet.
 - D. Principal facades (front or rear) of neighboring buildings face each other: 60 feet.
 - E. Connected groups of abutting buildings shall not exceed in total length 300 feet.
 - F. Distances shall be construed as the shortest dimension between any parts, including projecting balconies, of adjacent buildings.
5. *Minimum Setback from Property Boundary Line.* A 50 feet setback for all structures shall be maintained along the perimeter property lines of the tract or parcel proposed for development.
6. *Maximum Height of Buildings.* Measured between the average finish grade elevation and the top of the parapet on a flat roof building of halfway between eave and ridge on a sloped roof building 25 feet or two stories, whichever is less.
7. Any lots available for sale and development for single family buildings within a planned residential development shall be subject to the same dimensional standards as for single family lots in the zone in which the development occurs, or the standards of this Section where indicated. The minimum lot standards may be reduced by Borough Council where the developer makes provisions for additional common open space beyond that which is required and held for the common enjoyment of the residents.

(Ord. 57, 5/2/1991; as amended by Ord. 73, 12/19/2002, §9 (11.04))

§27-1105. Recreational Requirements.

An area or areas developed for active or passive recreation use totaling 15% of the gross lot or tract area or 1500 square feet for each dwelling unit, whichever is greater, shall be provided convenient to the developed residential areas by the developer. Recreational areas shall be located on land that does not slope at any point more than 6% and may be provided with appropriate play equipment, benches and landscaping by the developer or with walking/jogging trails through undisturbed wooded areas. The developer may provide a swimming pool, community center and other recreational facilities to be operated by him or by an association of residents of the planned residential development.

(*Ord. 57, 5/2/1991; as amended by Ord. 73, 12/19/2002, §9 (11.05)*)

§27-1106. Miscellaneous Requirements.

1. All improvements shall be installed at no expense to the Borough or County in accordance with the standards of the Borough and of this Part.

2. Roads, parking areas and sidewalks shall be maintained in a serviceable condition by the developer or his successors.

3. All areas of the site not occupied by buildings or paved shall be either planted in natural materials or left in the undisturbed state existing prior to development.

4. All structures in any planned residential development shall be connected to public or community sewage disposal and water supply systems.

5. Each dwelling unit shall be provided with two off-street parking spaces within 200 feet of the dwelling thus served.

6. All electric, telephone lines, television cable, etc., within a planned residential development shall be placed underground.

(*Ord. 57, 5/2/1991; as amended by Ord. 73, 12/19/2002, §9 (11.06)*)

§27-1107. Application for Tentative Approval.

1. An application for tentative approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner or, if several adjacent parcels are included in the plan, by the landowner or, if several adjacent parcels are included in the plan, by the several landowners. The application shall be submitted to the Connoquenessing Borough Council no later than 10 days prior to the regular monthly meeting of the Council at which the development plan is to be considered. [*Ord. 76*]

2. The application shall consist of a minimum of seven copies of all and other supplemental information, plans, drawings, data specifications, etc., in conformance with the required information for land developments, in the Borough's current Subdivision and Land Development Ordinance [Chapter 22] and provide the following information:

A. Density of residential development to be allocated to various parts of the site, such parts to be outlined on the site plan.

B. The form of organization proposed to own and maintain the common open space.

C. The feasibility of proposals for the disposition of sanitary sewage waste and stormwater as related to existing or proposed public systems.

D. The substance of any covenants, grants, easements or other restrictions to be imposed upon the use of lands or buildings in the development.

E. A schedule showing the approximate dates when the developer proposes to make application for final approval of various segments of the development, such segments to be outlined on the plan and such schedule to be updated annually on the anniversary of its initial approval.

F. A written statement by the landowner setting forth reasons why, in his opinion, a planned residential development on his site would be in the public interest and would be consistent with the Comprehensive Plan or community goals for Connoquenessing Borough.

G. An environmental impact analysis for review by the Butler County Conservation District.

H. *Public Water*. Public water shall be provided to all building lots proposed in a planned residential development by the municipal authority with jurisdiction.

3. All applications for tentative approval shall be referred to the Butler County Planning Commission for study and recommendation. The County Planning Commission shall be required to report to the Borough within 30 days or forfeit the right to review.

(*Ord. 57, 5/2/1991*; as amended by *Ord. 73, 12/19/2002, §9 (11.07)*; and by *Ord. 76, 12/29/2003*)

§27-1108. Public Hearings.

1. Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this Part, a public hearing pursuant to public notice on said application shall be held by the Borough Council.

2. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Borough Council. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.

3. The parties to the hearing shall be the Borough, any person affected by the application and any other person including civic or community organizations permitted to appear by the Borough Council. The Borough Council shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Borough for that purpose. [*Ord. 76*]

4. The Council President, or Vice President in the absence of the President, of the Borough Council shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

7. The Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough Council. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by the Borough Council or shall be paid by the person appealing from the decision of the Borough Council if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

8. The Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

9. The Borough Council may continue the hearing from time to time, provided that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

(*Ord. 57, 5/2/1991*; as amended by *Ord. 73, 12/19/2002, §9 (11.08)*; and by *Ord. 76, 12/29/2003*)

§27-1109. The Findings.

1. The Borough Council within 60 days following the conclusion of the public hearing shall, by official written communication to the landowner, or group of landowners either:

- A. Grant tentative approval of the development plan as submitted.
- B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
- C. Deny tentative approval to the development plan.

2. Failure to so act within said 60-day period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Borough Council notify Borough Council of his refusal to accept all said conditions, in which case, the Borough Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

3. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not

limited to, findings of fact and conclusions on the following:

A. In those respects in which the development plan is or is not consistent with the Comprehensive Plan or community goals for the development of the Borough.

B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest

C. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development

D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established

F. In the case of a development plan which proposes development over a period of years, the sufficiency of terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

4. In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the official written communication the time within which application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each Part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than 3 months and, in the case of development over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

(*Ord. 57, 5/2/1991; as amended by Ord. 73, 12/19/2002, §9 (11.09)*)

§27-1110. Status of Plan After Tentative Approval.

1. The official written communication shall be certified by the Borough Secretary and shall be filed in the Borough office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the Zoning Map.

2. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not

defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by the action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Borough Council in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those ordinances otherwise applicable thereto as they may be amended, from time to time, and the same shall be noted on the Zoning Map and in the records of the Borough Secretary.

(*Ord. 57, 5/2/1991; as amended by Ord. 73, 12/19/2002, §9 (11.10)*)

§27-1111. Application for Final Approval.

An application for final approval may be for all the land included in a development plan or, to the extent designated in the tentative approval, for a portion of the land.

A. An application for final approval shall be submitted to the Borough Secretary at least 10 days prior to the regular Council meeting at which the application is to be considered. [*Ord. 76*]

B. The application shall consist of a minimum of seven copies of all plans, drawings, data specifications and required supplemental information, for the area for which final approval is sought, all requirements of the proposed plan and the written reports necessary to obtain tentative approval, and in addition:

(1) Construction documents for the building of streets, sidewalks, parking areas, sanitary sewer lines, water lines, storm drainage systems, erosion and sedimentation control facilities and recreation areas.

(2) Certificate from either the Pennsylvania Department of Environmental Protection or the Butler County Conservation District stating that the erosion and sedimentation control plan has been approved and that a land disturbance permit has been issued for an earthmoving activity by the Department of Environmental Protection and reviewed by the Butler County Conservation District.

(3) A certified performance bond, improvement bond, or other security acceptable, to the benefit of the Borough, the amount of bond being equal to 110% of the estimated cost for installation of all public improvements, such amount to be established by the engineer designing the facilities subject to the Borough Engineer's approval.

(4) Any covenants and rights of easement, in the form in which they will be filed as legal documents, affecting development

(5) A written description indicating changes made in the tentative plan required to secured tentative approval.

C. Provided that all conditions of the tentative and final approvals have been met to the satisfaction of the Borough Council, Connoquenessing Borough Council shall grant final approval within 45 days after the filing of the final approval application.

D. If the Borough Council finds variations in the application for final approval when compared with the plan given tentative approval, the Borough Council may refuse to grant final approval and shall so notify the landowner in writing not later than 45 days after the filing of the final approval application, setting forth the reasons why one or more of said variations are not in the public interest.

E. The landowner may either:

(1) Refile his application for final approval within 60 days after the date of the meeting at which his application was refused, without the variations noted by the Borough Council.

(2) File a written request with the Borough Council for a public hearing to consider the final approval application as submitted, such hearing to be, pursuant to public notice, within the time limit specified in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

(3) Take no action, in which case the development plan shall be deemed to have been abandoned.

F. If the landowner requests a public hearing, the Borough Council shall within 30 days hold such hearing, by official written communication, in the manner required for tentative approval either grant or deny final approval.

G. A development plan, or any part thereof, given final approval shall be certified immediately by the Borough Council and shall be filed within 15 days after grant of final approval in the office of the Butler County Recorder of Deeds, after which development of the site area for which final approval has been granted may proceed. Each structure in the development will require a separate building permit.

H. Upon filing of the development plan with the Recorder of Deeds, all zoning and subdivision regulations otherwise applicable to the area recorded shall cease to apply to that area.

I. If the landowner abandons his development plan after final approval and so informs the Borough Council in writing, or fails to carry out the development within the time period agreed upon in the final approval, no further applications for final approval shall be considered by the Borough Council for subsequent portions of the same site and no further development of such subsequent portions of the site shall be permitted until that area complies with the Connoquenessing Borough Subdivision and Land Development Ordinance [Chapter 22].

J. When a sequence of development of a site takes place over a period of years, the time between applications for final approval of each part of the plan shall be not more than 30 months.

K. Upon final approval of any part or phase of a planned residential development and prior to the issuance of any building permits, the landowner shall submit one copy of all plans, plats, drawings, data specifications and supplemental information in a digital format as specified by the Borough.

(*Ord. 57, 5/2/1991*; as amended by *Ord. 73, 12/19/2002, §9 (11.11)*; and by *Ord. 76, 12/29/2003*)

§27-1112. Maintenance of Common Open Space.

1. The landowner shall satisfy the Borough Council at the time of application for final approval that all areas for which the final approval is sought will be adequately maintained in perpetuity so as not to cause a public nuisance. [*Ord. 76*]

2. If the landowner provides for establishment of an association of residents of the planned residential development to own and maintain common open spaces on the site, he shall indicate the organization of such association, including by-laws, and the legal mechanism that will bind such association to perpetual maintenance of the common open space.

3. In the event that the organization established to own and maintain common open space, or any successor organization, shall fail to maintain the common open space in reasonable order and condition, the Connoquenessing Borough Council may serve written notice upon organization or upon the residents of the planned residential development setting forth the deficiencies in maintenance, demanding that they be corrected within 30 days and stating the time and place of a public hearing to be held, pursuant to public notice, to consider the deficiencies, at which time the deficiencies noted may be modified or the time period for correction extended.

4. If the deficiencies are not corrected within 30 days, Connoquenessing Borough Council may enter the common open space containing the deficiencies and maintain the area for a period of 12 months, at the expiration of which the Borough Council shall call a second public hearing, with notice to the organization and residents of the planned residential development, at which the organization or the residents shall show cause why Connoquenessing Borough Council should cease maintenance based on the ability of the organization or the residents to again discharge such maintenance responsibility. Public hearings shall be called thereafter or less frequently than once per year to consider termination of Borough maintenance until such termination occurs.

5. The decision to continue or cease maintenance shall lie with Connoquenessing Borough Council.

6. The period during which Borough Council shall maintain common open space shall not constitute a taking of land nor entitle the public to use of such common open space unless as provided in the conditions establishing the common open space.

7. The cost of maintenance of common open space by Borough Council shall be assessed ratably against the properties within the planned residential development that have rights to common open space and shall become a lien on the properties, to be filed by Borough Council with the Prothonotary of Butler County at time of entrance into the common open space.

(*Ord. 57, 5/2/1991*; as amended by *Ord. 73, 12/19/2002, §9 (11.12)*; and by *Ord. 76, 12/29/2003*)

§27-1113. Judicial Review.

Any decision of the Borough Council in granting or denying tentative or final approval of a planned residential development plan shall be subject to appeal to court in the manner as provided for in the Pennsylvania Municipalities Planning Code, Act

247, as amended.

(*Ord. 57, 5/2/1991*; as amended by *Ord. 73, 12/19/2002, §9 (11.13)*)

Part 12**Conditional and Special Exception Uses****§27-1201. Conditional and Special Exception Uses Listed.**

Such uses are listed for each zone district in Part 8 of this Chapter.
(*Ord. 57, 5/2/1991, §12.10*)

§27-1202. Public Endangerment Statement.

A request for approval of a conditional or special exception use shall be accompanied by a statement demonstrating that the proposal will not endanger the public health, safety or welfare at the selected location, will not deteriorate the environment or create nuisance conditions, such as traffic congestion or excessive noise, glare, smoke, dust or vibration, and that the proposal meets all other requirements in the zoning district.

(*Ord. 57, 5/2/1991, §12.20*)

§27-1203. Site Plan.

The developer shall submit, in addition to the statement, a site plan of his proposal showing buildings, with use noted, points of access into the property, internal drives and parking areas, and topographical features, including proposed grading, if any.

(*Ord. 57, 5/2/1991, §12.30*)

§27-1204. Public Hearing.

Council shall review a conditional use proposal at its next regular meeting and shall schedule a public hearing for the following meeting. The hearing shall be advertised 1 each week for 2 consecutive weeks in a newspaper of general local circulation, the first time not more than 30 days and the second time not less than 7 days before the hearing. The notice shall indicate the date, time and place of the hearing and the specific subject to be heard. In addition, the property involved shall be posted at least 7 days before the hearing with the same information. Council may, after the public hearing, grant approval of the conditional use as proposed, grant approval with conditions, or may disapprove the conditional use. Council's decision shall be made not later than the third regular meeting after first receiving the proposal. Failure of the developer to accept conditions, if any, attached to approval shall constitute disapproval although the developer may negotiate with Council regarding the conditions. Any conditions attached to approval shall be noted on the building permit.

(*Ord. 57, 5/2/1991, §12.40*)

§27-1205. Requirements for Submission.

Special exception use proposals shall be reviewed, and a decision made by the Zoning Hearing Board. The requirements for submission and the criteria for review shall be the same as for a conditional use. The review and decision process shall be that established for the Zoning Hearing Board in §27-114 of this Chapter.

(*Ord. 57, 5/2/1991, §12.50*)

§27-1206. Guidelines for Evaluation.

The following are general guidelines to be considered in evaluating a conditional use:

A. *Property Access.* Entrance should be located as remote as possible from street intersections and to give motorists entering or leaving the property the greatest view of conflicting traffic.

B. *Parking Areas.* Should be screened from adjacent residential buildings by shrubbery, low fence, or natural change of grade.

C. *Landscaping.* Areas not paved or occupied by buildings should be landscaped and maintained or left in their natural state prior to development.

D. *Permanent Building.* Businesses in which most of the products are stored outside should be operated from a permanent building on the property.

E. *Residential Use on Non-residentially Used Property.* Only the residence of a caretaker or the owner should be permitted on such a property.

F. *Enclosed Structure.* Businesses and industrial processes should be conducted from within an enclosed building.

G. *Utilities.* Utility lines should be sited to create least environmental damage and minimum clearance of vegetation should be permitted within right-of-way.

H. *Animals.* Uses involving the overnight holding of animals should have indoor pens.

I. *Hours of Operation.* Council may control hours of operation if late night activity might cause hardship to nearby residents.

(Ord. 57, 5/2/1991, §12.60)

§27-1207 Conditional Use Planned Residential Development.

1. Where planned residential developments are listed as conditional uses, the review and approval procedures outlined in Part 2 for tentative and final approval shall be used to evaluate the planned residential development.

2. Borough Council shall use the provisions of §27-1206, where applicable, to evaluate conditional use planned residential developments in addition to the provisions of §27-102.

3. An affirmative vote to grant final approval by the Borough Council is hereby deemed to be the equivalent of granting conditional use status to the planned residential development.

(Ord. 57, 5/2/1991, §12.70; as amended by Ord. 73, 12/19/2002, §10)

§27-1208. Communication Towers.

The following regulations shall apply to all transmission facilities proposed for placement in the Light Manufacturing District (LM):

A. *Lot Size.* The lot size dimensions (depth and width) shall be dictated by the fall radius of the tower. The minimum dimensions shall be the radius of the height of the tower in each direction. (Example - 200 feet high tower would be required to have a 400 feet diameter parcel).

B. The communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.

C. If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a ¼-mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communications companies, other communications towers (fire, police, etc.), and other tall structures. Connoquenessing Borough may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

D. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed 200 feet in height.

E. All communications towers must be stealth towers. A stealth tower is a communications tower which is not recognizable as a conventional communications tower (e.g., a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which looks like a tree or a clock tower, or one which is concealed in a church steeple or concrete silo.

F. The Borough Council may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values; height; screening; number of uses per tower, including public uses; location; and actual setbacks.

G. *Setbacks from Base of Antenna Support Structure.* If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:

- (1) 100% of antenna height.
- (2) The minimum setback in the underlying zoning district.
- (3) 50 feet minimum.

H. *Fencing.* A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of 8 feet in height.

I. *Landscaping.* The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. Connoquenessing Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other

equipment is housed inside an existing structure, landscaping shall not be required.

(1) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum of 15 feet at maturity.

(2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

J. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear 2 mile separation shall be maintained between communications towers, measured from the base of the support structure.

K. The communications company must demonstrate that it is licensed by the Federal Communications Commission.

L. Antenna support structure under 1,200 feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures near airports, shall meet all Pennsylvania Department of Transportation, Bureau of Aviation and Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except as provided for and required by the Pennsylvania Department of Transportation, Bureau of Aviation and FAA.

M. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access to public rights-of-way, and all other items required in the Connoquenessing Borough Subdivision and Land Development Ordinance [Chapter 22]. The site plan shall not be required if the antenna is to be mounted on an existing structure.

N. In granting the use, the Borough Council may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.

O. All approvals will be only for specific facilities set forth in the application. No additions or alterations thereto will be permitted without a new application.

(*Ord. 57, 5/2/1991; as added by Ord. 73, 12/19/2002, §11*)

Part 13**Nonconforming Uses****§27-1301. Application.**

1. A nonconforming use is an activity which was present on a property before this Chapter was adopted but is not among the list of permitted uses for the zone district in which the property is located. A nonconformity may later be created by an amendment to the zoning text or map, but in no other manner.

2. A nonconforming structure is one that was built on its property before adoption of this Chapter so that its setback from property lines is less and/or height is greater than the standards established for the zone district containing the property.

(Ord. 57, 5/2/1991, §13.10)

§27-1302. Nonconforming Uses.

1. A non-conforming use may be expanded by 50% beyond the area on the ground it occupied when this Chapter was adopted. A non-conforming structure may be expanded by 50% in volume over the volume of the structure when this Chapter was adopted. In neither case shall such expansion occur outside the setback lines within the property. A non-conforming use may be expanded to occupy all of a structure it occupied partly when this Chapter was adopted but then may not be further expanded.

2. If a non-conforming use is discontinued for a period of at least 1 year, any use of the property thereafter shall be in conformance with the development regulations for the zone district containing the property. If the owner of the non-conforming use claims the 1 year period is too short because of financial, health or other hardship, he may appeal to the Zoning Hearing Board for an extension not to exceed 2 additional years. Discontinuance of a non-conforming use shall be indicated by the removal of stock-in-trade and/or permanent equipment needed to operate the use.

3. A non-conforming use may be changed to a second non-conforming use provided that an application for the second use is filed with the Zoning Hearing Board and the Board finds that the proposed use is more compatible with the uses permitted in the zone district than the original non-conforming use.

4. A non-conforming use may pass from one owner to the next but each succeeding owner of a non-conforming commercial or light manufacturing use shall receive approval of the Zoning Officer before commencing operation to assure that the use will be operated in essentially the same manner as formerly.

5. Once a non-conforming use is changed to a conforming use it may not thereafter revert to non-conforming status. If a non-conforming use occupies a building and is discontinued, any non-conforming use of the property shall also cease.

(Ord. 57, 5/2/1991, §13.20)

§27-1303. Non-Conforming Structures.

1. No structure shall be enlarged or altered to create a non-conformity or increase an existing non-conformity except in compliance with §27-1302.1 above.

2. A building that was erected prior to the effective date of this Chapter and is less than the required minimum setback distance from a front, side or rear lot line may be rebuilt upon its original foundation and to its original height but the location shall be no more non-conforming than before in any respect. If a wall of an existing building is less than the minimum setback distance from the adjacent lot line, such wall may be extended along its plane up to one-half the length of the existing wall.

(*Ord. 57, 5/2/1991, §13.30*)

§27-1304. Record of Non-Conforming Uses.

1. Council may direct the Zoning Officer to identify and record all uses of land and buildings in the Borough made non-conforming by adoption of this Part.

2. He shall keep the record current as amendments to this Part create new non-conforming uses, and as removal of buildings and uses eliminates non-conforming uses.

3. The record may be kept by map or written documentation.

(*Ord. 57, 5/2/1991, §13.40*)

Part 14**Zoning Hearing Board****§27-1401. Creation.**

1. The Borough Council shall appoint at the time of adoption of this Chapter a Zoning Hearing Board hereafter known as the "Board," made up of three residents of the Borough, none of whom shall hold any other public office in the Borough, elected or appointed.

2. In the initial appointment one member shall be appointed for 3 years, one for 2 years and one for 1 year. Thereafter, all appointments or reappointments shall be for 3 years. If a vacancy occurs on the Board, Council may fill it only for the unexpired portion

3. A Board member may be removed from office by Council for malfeasance, misfeasance of non-feasance in office or other just cause after a majority vote by Council. The accused member shall be given 15 days notice before the vote and may request a hearing in writing before Council if he wishes to contest the proposed action, in which case Council shall not vote until after hearing the accused person.

4. Borough Council may appoint one, two or three alternate members to the Board, all residents of Connoquenessing Borough. None shall hold any other elected or appointed office in the Borough, and the term of each appointment shall be 3 years. The Chairman of the Board may appoint one or more alternates to take the place of one or more regular members who are unable to serve on a particular proceeding because of a conflict of interest, illness or prearranged absence. The alternate or alternates thus appointed shall participate as full members of the Board and shall have voting rights in the matter being heard. Alternate members shall serve on a case by case basis in rotation, starting with the first appointed by Council. In other proceedings before the Board alternates may participate in discussions but shall have no vote.

(Ord. 57, 5/2/1991, §14.10)

§27-1402. Operation.

1. The Board shall annually elect from its members a chairman, vice-chairman and secretary, all of whom may succeed themselves. The Board shall reorganize at its first meeting each year.

2. The chairman shall call and conduct hearings. The vice-chairman shall act in place of the chairman. The secretary shall keep minutes, distribute copies of testimony as needed, and place hearing advertisements.

3. For the conduct of a hearing or the taking of any action, a quorum shall be not less than two members, but the Board may appoint a Hearing Officer from its membership to conduct a hearing on its behalf.

4. The Board shall keep full public records of its business and shall submit an annual report of its activities to Council, no later than the first of March each year.

5. The Board may contract for legal, stenographic or consulting services within its budget appropriated by Council. The Board's attorney shall not also be the Borough Solicitor.

(Ord. 57, 5/2/1991, §14.20)

§27-1403. Functions.

1. *Appeals from Decision of the Zoning Officer.* The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misrepresented or misapplied any provision of this Part.

2. *Special Exceptions.* The Board shall hear and decide requests for special exception uses, which are listed specifically in §27-801 of this Part. The submission required by § 27-1202 and §27-1203 shall be provided and the review criteria in §27-1206 considered by the Board, which may attach conditions to approval which must be accepted by applicant.

3. If a developer proposes a use not listed specifically as permitted or conditional in any zone district and his request for a building permit from the Zoning Officer, or for a conditional use approval from Council is denied, the developer may appeal to the Board for a hearing on his proposal. The Board shall determine which zone district is most appropriate for the proposed use based on the uses permitted by right or conditionally in the zone district the Board selects, even though that district may not be the one containing the property for which the developer is making the request. In determining the appropriate zone district, the Board shall establish the proposed use as a conditional use in the zone district selected, subject to approval by Council as for any conditional use.

4. *Challenges to the Validity of the Ordinance.* The Board shall hear such challenges on substantive questions, take evidence, and made a written record. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Courts.

5. *Variances.* The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant.

A. The written application for a variance submitted to the Board secretary in advance of the hearing shall demonstrate, where relevant:

(1) That the property to be developed is of a peculiar shape or size and/or contains unusual topographic or other conditions creating a hardship.

(2) That because of these circumstances and not the regulations of the ordinance there is no possibility the property can be developed in strict accordance with the regulations.

(3) That such hardship has not been created by the appellant.

(4) That the requested variance, if granted, will not downgrade the character of the neighborhood nor impair the future development of adjacent properties in conformance with the ordinance or undermine the public health or safety.

(5) That if authorized, the variance will represent the least deviation from the regulations that will afford relief.

6. *Appeals from Decisions of Council.* The Board shall hear and decide appeals from decisions of Council on amendments to this part. The Board's decision may uphold, modify or overturn Council's decision.

(Ord. 57, 5/2/1991, §14.30)

§27-1404. Parties Appellant Before the Board.

An appeal, challenge or request for a variance may be filed in writing with the Secretary of the Board by any owner of land in the Borough, any tenant wishing a variance with the permission of his landowner, any officer or agency of the Borough, or any aggrieved person.

(Ord. 57, 5/2/1991, §14.40)

§27-1405. Hearing, Preliminary Activities.

1. When a request for a hearing is received by the Board secretary, the Board shall schedule the hearing within 60 days.

2. Hearings shall be conducted by the Board or by a hearing officer member, whose decision or findings, where no decision is required, may be considered final if acceptable to all parties.

3. The parties to a hearing shall be the Borough, the appellant, and anyone affected by the application and/or any civic or community organization who or which requests in writing the opportunity to appear prior to the hearings.

4. Notice of a hearing shall be mailed at least 15 days before the hearing to all parties, and in addition, to the Zoning Officer and to owners of properties within 100 feet of the boundary of the property or properties or area of a property affected by the hearing, as well as to others who have filed a timely request to receive notice.

5. Public notice shall be placed twice in a newspaper of general local circulation, once in each of two consecutive weeks, the first not more than 30 days and the second not less than 7 days before the hearing. In addition, if a variance is sought, or an appeal requested, notice shall be posted conspicuously on the affected property at least 7 days before the hearing.

7. Notices shall indicate the date, time and place of the hearing and the specific nature of the request to be heard.

(Ord. 57, 5/2/1991, §14.50)

§27-1406. Hearings, Conduct.

1. The chairman or hearing officer shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents, including those requested by the parties.

2. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and arguments, and to cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded.

3. The Board or the hearing officer shall cause to have kept a stenographic record of the proceedings. The appearance fee for the stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if ordered by the Board or hearing officer, or by the party appealing from the decision of the Board if such appeal is made. The cost of additional copies of the transcript or of other written or graphic materials received in evidence shall be paid by

the party requesting the same.

4. The Board or the hearing officer, shall not communicate, directly or indirectly, with any party, and/or representatives of any party in connection with any issue relevant to the hearing, except upon notice and opportunity for all parties to participate; shall not take legal notice of any communications, reports or other materials unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect any site or its surroundings with any party and/or representative of any party after the start of a hearing unless all parties are given an opportunity to be present.

5. The Board or hearing officer shall render a written decision, or, when no decision is required, writing findings on the application within 45 days after the conclusion of the hearing before the Board or hearing officer. Decisions shall be accompanied by findings of fact and conclusions based on them together with the reasons therefor. Conclusions based on any provisions of this Chapter or any other ordinance or regulation of the Borough or the State Planning Code shall contain a reference to the provision relied on and the reasons why a conclusion is deemed appropriate in the light of the facts.

6. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties at the same time that it is available to the Board, and the parties shall be entitled to make written representations thereon to the Board prior to the Board's final decision or entry of findings, which shall be made not more than 30 days after the Hearing Officer's report.

7. When the Board or hearing officer fails to render a decision where it or he has the power to do so within 45 days after hearing the application, or fails to hold the public hearing within 60 days of receiving the request for one, the decision shall be deemed to have been rendered in favor of the applicant, unless he has agreed in writing to a specific time extension.

8. When the decision favors the applicant as a result of the Board's failure to render a decision or schedule a hearing, the Board shall give public notice of the decision once in a newspaper of general local circulation within 10 days.

9. A copy of the final decision, or the findings if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

(Ord. 57, 5/2/1991, §14.60)

§27-1407. Zoning Appeals.

1. Once the Zoning Officer has acted on a development proposal pursuant to the regulations of this Chapter, any party may appeal the decision to the Board not later than 30 days after the decision, unless the party can prove he had no knowledge of the decision within the 30-day period. A second party succeeding in interest shall be bound by the first party's knowledge.

2. While an appeal is pending before the Board, any development affected by the appeal shall be halted unless the Zoning Officer certifies to the Board that suspension would cause imminent peril to life and property. In this case suspension will occur only

by a restraining order granted by the Board or Butler County Court. The party forced to stop shall have the right to petition the Court to require the appealing party to post a bond as a condition of continuing the appeal, the amount to be determined by the Court. The Court shall hear the petition, determine whether the appeal is frivolous, and, if so, may required the posting of the bond.

3. Appeals from decisions of the Board, or reports of the Board in proceedings to challenge the validity of this Chapter, shall be filed within 30 days of the decision, or completion of the report, with the Clerk of the Butler County Court of Common Pleas. (*Ord. 57, 5/2/1991, §14.70*)

Part 15**Administration****§27-1501. Duties of the Zoning Officer.**

1. A Zoning Officer shall administer and enforce this Chapter in accordance with its literal terms. He shall be appointed by and be responsible to Council and shall hold no elective office in the Borough.

2. The Zoning Officer shall receive and process applications for building permits and permissions to occupy in accordance with this Chapter, and shall not permit any construction or any use or change of use which does not conform to this Chapter.

3. The Zoning Officer shall investigate alleged violations and take action to gain compliance with §27-1504 of this Chapter. He shall also testify before the Zoning Hearing Board on contested decisions he has made. He shall not be denied access to any property in the course of administering and enforcing this part.

4. All questions of interpretation of this Chapter shall be first presented to the Zoning Officer, who shall make a decision thereon. Such questions shall be considered by the Zoning Hearing Board only on appeal from the Zoning Officer's decision.

(Ord. 57, 5/2/1991, §15.10)

§27-1502. Building Permits.

1. No building or structure, including a mobile home, accessory building or sign, shall be erected, moved enlarged or structurally altered unless a building permit for such action has been first issued by the Zoning Officer. Permits shall not be required for replacement or repair of existing materials; re-roofing; replacement of rain spouting, siding or paneling; interior refinishing; installation of new or replacement storm or screen windows or doors; repair of fire or storm damage less than \$10,000 in value of the installing of insulation; or exterior or interior painting or refinishing.

2. All applications for building permits shall be filed on forms provided by the Zoning Officer. Applications shall be accompanied by scaled plans showing the shape, size and dimensions of the lot to be built upon, and the exact size and location of all buildings to be erected, moved, enlarged or structurally altered upon it, with distances between proposed buildings and lot lines noted. Applications shall also include the name, address and phone number of the lot owner and contractor, the street address of the site and its zoning classification, the proposed estimated cost of the work to be permitted, and any other information to determine compliance with this and all other Borough ordinances. In addition, the permit shall indicate that the lot has been tested and approved by the Sewage Enforcement Officer, and that, if access to the site is from a State maintained highway, the lot owner shall secure a highway occupancy permit before commencing construction. The lot owner's signature on the application shall be evidence that all information provided on the application is true and correct to the best of his knowledge.

3. No zoning or building permit shall be issued for construction of a land development for land or buildings in a subdivision or planned residential development, unless and until a plan or plat of that land development, subdivision or planned residential development has been given final approval and recorded. Any and all public

improvements required by the plan or plat shall have constructed or surety posted guaranteeing the completion of said improvements. [Ord. 73, 12/19/2002]

4. If the application is satisfactory, the Zoning Officer shall inspect the premises where the construction is proposed to occur. The Zoning Officer shall verify on the site the location of the construction relative to adjacent property lines and may order the owner to have stakes positioned by a registered surveyor to indicate the property line and outline of the new construction. Upon completing his inspection and finding the application and premises compatible, the Zoning Officer shall collect the appropriate building permit fee, approve the application and return one copy together with a signed building permit authorizing the applicant to proceed. The applicant shall post the permit prominently on the building site during construction. If the application is not satisfactory, the Zoning Officer shall return one copy of the application together with a letter indicating the specific reasons why the application cannot be approved.

5. The Zoning Officer shall from time to time visit the property whereon the approved construction is taking place in order to assure himself that the work is proceeding in accordance with the building permit. The Zoning Officer shall not be denied access to the property during working hours in order to inspect the construction in progress, and may order the work corrected to conform to the permit or halted pending appeal to the Zoning Hearing Board. The Zoning Officer shall assure that the work site is secured to prevent damage or injury to the public.

6. If an applicant wishes to amend the use, arrangement or construction of his building from that shown on the permit after the permit is approved, he shall file with the Zoning Officer an application for an amended building permit.

7. A building permit shall become void if, after 30 days from the date of issue, construction has not commenced and been vigorously pursued. The life of a building permit shall be 1 year from the date of issue. Once a permit has become void, a replacement permit may be obtained in the same manner as for the original permit. The replacement permit shall be for the uncompleted part of the project. No work shall be done after a permit has become void and before a replacement permit has been issued.

8. A permit shall be required for the removal of any building on a permanent foundation. The applicant shall be responsible for backfilling any excavation created by the razing and for the removal of all debris on the lot within 60 days after the issuance of the permit.

9. Borough Council shall establish by resolution a schedule of fees for building and occupancy permits, for replacement permits, for signs and for permits to remove a building.

(Ord. 57, 5/2/1991, §15.20; as amended by Ord. 73, 12/19/2002, §12)

§27-1503. Permission to Occupy.

1. Before the use of a property or structure can be changed, or a commercial property occupied without the need of a building permit, the owner shall secure the approval of the Zoning Officer in writing. Such approval shall be required also whenever a greater number of dwelling units are being installed in a structure, a home occupation is introduced or changed, or commercial or light manufacturing premises are converted to a second commercial or light manufacturing use.

2. The owner shall be responsible for the use of his property, even though he

leases it to others, and for securing the necessary occupancy permission if needed.

(*Ord. 57, 5/2/1991, §15.30*)

§27-1504. Enforcement and Penalties.

1. If the Zoning Officer finds any provisions of this Chapter are being violated, such as the operation of an illegal use or the locating of a structure illegally on a lot, he shall notify the owner of the property upon which the alleged violation is occurring by mail, with a copy to the Borough Secretary.

2. The notice shall indicate the suspected violation, citing specific paragraphs of this Chapter, the action necessary to correct the violation within 30 days, and the owner's appeal procedure.

3. At the end of the 30-day period, the Zoning Officer shall inspect the property to determine if the violation has been removed. Unless the owner has appealed to the Zoning Hearing Board to reverse the Zoning Officer's decision, modify it or grant a time extension, the Zoning Officer shall take the owner before the District Magistrate, who, if he finds the owner guilty, shall assess penalties and/or order appropriate action.

4. Continuation of a violation beyond the 30-day limit without appeal, or beyond an extension granted by the Zoning Hearing Board, shall make the party causing the violation liable for a civil enforcement proceeding before the district magistrate brought by the Borough. A guilty finding will result in a judgement of not more than \$500 plus all court costs including reasonable attorney fees incurred by the Borough. The magistrate shall determine the first day of the violation, but each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation shall be paid over to the Borough.

5. The owner or tenant of any structure, premises or part thereof, and any architect, engineer, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation may each be found guilty of a separate offense and suffer the penalties herein provided.

6. Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation, or to bring an action to enjoin any violation of this Chapter.

(*Ord. 57, 5/2/1991, §15.40*)

§27-1505. Amendment of This Chapter.

1. An amendment of this Chapter may be initiated by Borough Council or by petition presented to Council by a property owner or owners, or person or corporation who or which has an option to purchase a property in the Borough.

2. The proposed amendment shall be written as it would be adopted. Revisions to the zoning map shall be specified in writing citing particular boundaries.

3. When Council approves the amendment wording or map revision it has proposed or accepts a landowner's petition by a majority vote, it shall establish a date for a public hearing. At least 30 days prior to the hearing date Council shall send a copy of the amendment to the County Planning Commission for review and comment.

4. Council shall advertise for its hearing twice, once in each 2 consecutive weeks

in a newspaper of general local circulation, the first notice not more than 30 days and the second not less than 7 days before the hearing. The notice shall contain the full text of the amendment or a summary, reference to a place and times where and when the amendment may be examined before the hearing, and the date, time and place of the hearing.

5. In addition, where a change of zoning district boundary is sought, the property or group of properties affected shall be posted in at least one conspicuous location not less than 14 days before the hearing with the same information as in the hearing advertisement. Owners of property within 100 feet of the boundaries of the property or properties to be rezoned shall be informed by mail at least 7 days before the hearing with the same information.

7. Council shall hold the hearing, keeping a written record of the testimony, and shall make a decision by a majority vote to adopt or reject the amendment within 90 days after the hearing. Within 30 days after enactment a copy of the amendment shall be forwarded to the Butler County Planning Commission.

8. If an amendment is substantially revised after the hearing, or zoning district boundaries are further altered, Council shall hold another hearing on the revisions, before taking action.

9. If a landowner submits a curative amendment under the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, Council shall call and hold a public hearing in accordance with §27-1505.4 and §27-1505.5 within 60 days of receiving the petition. If Council declares all or part of this Chapter invalid, it shall not be required to receive a landowner curative amendment during the period of the ordinance review, but shall, within 180 days thereafter, either adopt its municipal curative amendment after hearing or reaffirm the validity of the ordinance as it was prior to the declaration. Such action by Council may not again be taken for at least 3 years after deciding on a previous municipal curative amendment.

10. Appeal from a decision of Council on an amendment proposal shall be to the County Court of Common Pleas.

(Ord. 57, 5/2/1991, §15.50)

§27-1506. Enactment.

1. This Chapter is required for the immediate protection of the public health, safety and welfare and shall be effective upon its passage and signing by the officers of Council.

2. If any article, section, paragraph, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such action shall not affect the validity or constitutionality of the remainder of the Chapter.

3. Where conflicts exist between this Chapter and other regulations of the Borough, or of a higher level of government, or with legal restrictive covenants applied by landowners to the development of their property, the ordinance, regulation or covenant establishing the higher standard shall prevail.

4. All ordinances or parts thereof in conflict with this Chapter, inconsistent with its provisions, or less restrictive are hereby repealed to the extent necessary to give this Chapter full force and effect.

5. This Chapter has been duly presented after public hearings and adopted at a regular meeting of the Borough Council of Connoquenessing Borough, Butler County, Pennsylvania, held on the 2nd day of May, 1991.

(Ord. 57, 5/2/1991, §15.60)

Zoning Map Amendments

Ord./Res.	Date	Description
72	6/6/2002	A parcel of land currently located in an Agricultural Classification is changed to Residential.

