

ORDINANCE NO. 146

Potter Township, Beaver County, PA

AN ORDINANCE AMENDING ORDINANCE NO. 133 (12/17/2014), CHAPTER 210, ZONING, ARTICLE II, DISTRICT REGULATIONS, SECTION 210-21, LOT AND YARD REQUIREMENTS, TO REVISE THE FRONT YARD SET BACK IN THE MIXED USE DISTRICT AND DIRECTING THAT ALL INCONSISTENT CODE REFERENCES ARE HEREIN REVISED, AND PROVIDING FOR SEVERABILITY AND REPEAL OF PRIOR INCONSISTENT ORDINANCES.

WHEREAS, Potter Township adopted a multi-municipal comprehensive plan adopted on or about March 9, 2005; and

WHEREAS, the Township Supervisors desire to adjust the front yard set back in the Mixed Use District to address a legislative inconsistency between Ordinance No. 2016-142 [the Area of Joint Municipal Jurisdiction or “AJMJ”] and the Zoning Ordinance that may negatively impact developers; and

WHEREAS, upon advice of legal counsel, the Board is revising the front yard setback within the Mixed Use District to avoid legal liability and to get beyond the termination of the AJMJ; and

WHEREAS, the Township Supervisors will assess the front yard requirements and at a time appropriate revise the front yard setback as is necessary to meet the goals and initiatives of the comprehensive plan as well as the Mixed Use District; and

WHEREAS, the Board of Supervisors held a public hearing on February 10, 2021 pursuant to the Pennsylvania Municipalities Planning Code at which time testimony was received concerning the proposed amendment;

WHEREAS, in the judgment of the Board of Supervisors, the amendment is consistent with the Borough’s overall comprehensive plan; and

WHEREAS, revisions in this document will appear as follows: ~~struck out~~ for items removed and underlined for items added.

NOW, THEREFORE, be it ordained and enacted by Potter Township Board of Supervisors, and it is hereby enacted by the authority of the same as follows:

SECTION 1 Chapter 210, Zoning, Article II, District Regulations, Section 210-21 is hereby amendment by adding and deleting the following:

Table 21.1

Potter Township Lot and Yard Requirements

District	LOT AREA (acres)	LOT WIDTH (feet)	FRONT YARD (feet)	SIDE **YARD (feet)	REAR YARD (feet)
MIXED USE	0.25 feet	75 feet	30 <u>50</u> feet	10 feet	30 feet

SECTION 2: All references to the Mixed Use Front Yard requirement shall be revised, or considered to be revised consistent with this Ordinance.

SECTION 3: Repealer: All ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: Severability: Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Duly presented and adopted by a majority of a quorum of Supervisors at a regular meeting of the Board of Supervisors, Potter Township, Beaver County, Pennsylvania, held on the day of _____, 2021

ATTEST

POTTER TOWNSHIP

Linda McCoy
Borough Secretary

Rebecca Matsco
Board of Supervisors, Chairperson