

ORDINANCE NUMBER 2012-04

CALLERY BOROUGH, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE ESTABLISHING AN "AIRPORT OVERLAY DISTRICT" TO INCLUDE: DEFINITIONS, AIRPORT ZONES, AIRPORT ZONE HEIGHT LIMITATIONS, PERMIT REQUIREMENTS, VARIANCES, AND USE RESTRICTIONS, AND AMENDING THE OFFICIAL ZONING MAP BY ADOPTING AN AIRPORT OVERLAY DISTRICT ZONING MAP.

**WHEREAS**, certain airport hazards reduce the size of the area available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of airports and the public investment therein; and

**WHEREAS**, the creation or establishment of an airport hazard is a public nuisance and may injure the region served by the Butler County Airport and Lakehill Airport; and

**WHEREAS**, it is necessary in the interest of public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and

**WHEREAS**, Callery Borough Council deems it necessary and appropriate to amend and revise the Borough's Zoning Ordinance of 1992, Ordinance Number 87, as revised, to prevent the creation or establishment of airport hazards;

**WHEREAS**, pursuant to the pending ordinance doctrine, the proposed adoption of this Ordinance was first published in the Butler Eagle, a newspaper of general circulation in Callery Borough, on August 24, 2012; and

**WHEREAS**, on September 10, 2102, Callery Borough Council held a public hearing pursuant to public notice to receive public comment concerning the proposed amendments and revisions to the zoning ordinance.

**NOW, THEREFORE IT IS HEREBY ENACTED AND ORDAINED**, pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10101 *et seq.*, and the Airport Zoning Act, 74 Pa. Cons. Stat. §§5911 *et seq.*, as follows:


1. The Code of the Borough of Callery, Chapter 93, Zoning, is hereby amended by adding Article IV-A, Airport Overlay District, a copy of which is attached hereto and incorporated herein.
2. **ENFORCEMENT.** All violations and penalties under this Ordinance are subject to the provisions of the underlying zoning ordinance.
3. **APPEALS.** All appeals under this Ordinance are subject to the appeals process provisions in the underlying zoning ordinance.


4. **CONFLICTING REGULATIONS.** Where a conflict exists between any of the regulations or limitations prescribed in this Ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.
5. **SEVERABILITY.** If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.
6. **EFFECTIVE DATE.** Pursuant to the pending ordinance doctrine, this Ordinance shall take effect and be in force as of August 24, 2012.

**DULY ENACTED AND ORDAINED,** by Callery Borough Council in lawful session duly assembled this the 10th day of September, 2012.

**CALLERY BOROUGH**


ATTEST:

  
Borough Secretary

By:   
Edward Conway  
Council President

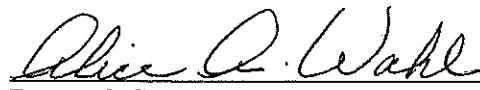
(SEAL)

**APPROVED:**

By:   
Ed Ashley  
Mayor

Date: 9-17-12

I hereby certify that the foregoing Ordinance was advertised in the Butler Eagle, a newspaper of general circulation in the Borough, on August 24, 2012, and August 31, 2012, and was duly enacted and approved as set forth above at a public hearing held by Borough Council on September 10, 2012.

  
Borough Secretary