

**BOROUGH OF FAWN GROVE
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2006-01

**AN ORDINANCE AMENDING SUBSECTIONS 203.4(b),
203.9(a), 204.4(b) AND 204.9(a) OF ARTICLE II OF THE
FAWN GROVE BOROUGH ZONING ORDINANCE TO
PROVIDE FOR CERTAIN EXCEPTIONS TO THE
NUMBER OF DWELLING UNITS ASSIGNED TO LOTS
BASED UPON MAXIMUM LOT AREA IN THE RURAL
AGRICULTURAL ZONE AND THE CONSERVATION
ZONE.**

WHEREAS, Subsections 203.4(b) and 204.4(b) of the Fawn Grove Borough Zoning Ordinance ("Ordinance") create a maximum lot area for lots in the Rural Agricultural Zone and the Conservation Zone, respectively; and

WHEREAS, Subsections 203.9(a) and 204.9(a) of the Ordinance sets forth certain regulations with regard to the number of dwelling units permitted on a parcel in the Rural Agricultural Zone and the Conservation Zone, respectively; and

WHEREAS, during the process of completing its Act 537 Plan with the Pennsylvania Department of Environmental Protection ("DEP"), the Borough has learned that due to the high levels of nitrates in wells within the Borough, property owners who wish to develop single family residences on their parcels may be required to create lots that exceed the maximum lot area provided by subsections 203.4(b) and 204.4(b) in order to meet DEP regulations; and

WHEREAS, because of the potential for the loss of dwelling rights due to compliance with DEP regulations, the Council of Fawn Grove Borough finds that it is in the best interest of health, safety and welfare of the residents and property owners of Fawn Grove Borough to create certain exceptions to the Ordinance associated with maximum lot area and the assignment of dwelling units;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of Fawn Grove Borough, York County, Pennsylvania, as follows:

Section 1. Subsection 203.4(b) of Article II of the Ordinance is hereby amended to read as follows:

§203.40(b). Maximum Lot Area — Single-family dwelling units only:
One to One and One-Half (1 1-1/2) acres (unless the physical characteristics of the land itself require a lot size in excess of this limitation in order to properly locate a dwelling, a well and

an on-site sewage disposal system (as may be required by the Commonwealth of Pennsylvania, Department of Environmental Protection). Any lot exceeding One and One-Half (1-1/2) acres will be assigned a dwelling unit at the rate of One (1) dwelling unit per One and One-Half (1-1/2) acres or part thereof; provided, however, that in the event a lot larger than One and One-Half (1-1/2) acres is required to meet the then existing requirements of the Commonwealth of Pennsylvania, Department of Environmental Protection, or its successor agency, for the placement thereon of an on-site well and/or on-lot sewage disposal system, said lot so created shall be assigned one dwelling unit right as established by Section 203.9 hereof Any lot in excess of One and One-Half (1-1/2) acres can not be further subdivided unless additional dwelling units are assigned to it. Any such additional dwelling unit rights assigned shall be subtracted from the total of such rights available to the parcel as defined in 203.9 below.

Section 2. Subsection 203.9(a) of Article II of the Ordinance is hereby amended to read as follows:

203.9(a). On each parcel of land, the following number of single family dwellings would be permitted with a maximum lot size as provided for in subsection 203.4(b):

* * * *

Section 3. Subsection 204.4(b) of Article II of the Ordinance is hereby amended to read as follows:

§204.4(b). Maximum Lot Area — Single-family dwelling units only: One to One and One-Half (1 1-1/2) acres (unless the physical characteristics of the land itself require a lot size in excess of this limitation in order to properly locate a dwelling, a well and an on-site sewage disposal system (as may be required by the Commonwealth of Pennsylvania, Department of Environmental Protection ("DEP")). Any lot exceeding One and One-Half (1-1/2) acres will be assigned a dwelling unit at the rate of *One (1) dwelling unit per One and One-Half (1-1/2) acres or part thereof*; provided, however, that in the event a lot larger than One and One-Half (1-1/2) acres is required to meet the then existing requirements of the Commonwealth of Pennsylvania, Department of Environmental Protection, or its successor agency, for the placement thereon of an on-site well and/or on-lot sewage disposal system, said lot so created shall be assigned one dwelling unit right as established by Section 204.9 hereof. Any lot in excess of One and One-Half (1-1/2) acres can not be further subdivided unless additional dwelling units are assigned to it. Any such additional

dwelling unit rights assigned shall be subtracted from the total of such rights available to the parcel as defined in 204.9 below.

Section 4. Subsection 204.9(a) of Article II of the Ordinance is hereby amended to read as follows:

204.9(a). On each parcel of land, the following number of single family dwellings would be permitted with a maximum lot size as provided for in subsection 204.4(b):

* * * *

Section 5. The provisions of this Ordinance shall be severable, and if any section, part of section or provision thereof shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining sections, parts or sections or provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision had not been a part thereof.

Section 6. This Ordinance shall become effective immediately upon passage.

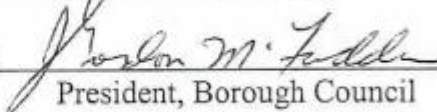
Section 7. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

ENACTED AND ORDAINED by the Council of Fawn Grove Borough, York County, Pennsylvania on January 9, 2006.

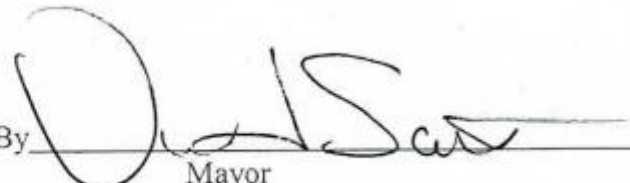
ATTEST:


Secretary

FAWN GROVE BOROUGH

By 
President, Borough Council

Approved on January 9, 2006.

By 
Mayor

STOCK AND LEADER

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