

**BOROUGH OF CHURCHILL**

**ORDINANCE NO. 727**

**AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 304 ("ZONING"), OF THE CODE OF THE BOROUGH OF CHURCHILL BY AMENDING AND RESTATING SECTION 304-37 ("GAS AND OIL WELL PRODUCTION") IN ORDER TO PROHIBIT GAS AND OIL WELL PRODUCTION AND RELATED ACTIVITIES IN RESIDENTIAL ZONING DISTRICTS AND C-2 COMMERCIAL DISTRICTS WITHIN THE BOROUGH**

**WHEREAS**, Section 304-37 of the Code of the Borough of Churchill regulates gas and oil well production within the Borough of Churchill; and

**WHEREAS**, gas and oil well production is currently permitted as a Conditional Use in parks and individually-owned lots comprising at least 5 acres located in residential districts, in addition to being permitted as a Conditional Use in C-1 and C-2 Commercial Districts; and

**WHEREAS**, Borough Council finds that limiting gas and oil well production to C-1 Commercial districts would adequately provide for such a use within the Borough; and

**WHEREAS**, Borough Council has determined that it would further the health, safety and welfare of the residents of the Borough to restrict gas and oil well production in the R-1, R-2, R-3, R-4 and R-5 Districts within the Borough where such an industrial-type use is not compatible with the residential nature of those districts; and

**WHEREAS**, the majority of the property in the Borough's C-2 Commercial District consists of a large public park upon which gas and oil well production would not be appropriate; and

**WHEREAS**, Borough Council seeks to amend Section 304-37(A) to prohibit gas and oil well production in residential zoning districts and C-2 Commercial Districts.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** and it is hereby ordained and enacted by the Borough Council of the Borough of Churchill, Allegheny County, Pennsylvania, as follows:

Section 1.

Chapter 304, Article V, Section 304-37(A) of the Code of the Borough of Churchill, which currently provides:

**§ 304-37. Gas and oil well production.**

- A. Gas and oil well production is permitted as a conditional use in the C-1 and C-2 Commercial Districts. Gas and oil well production in the R-1, R-2, R-3, R-4 and R-5 Residential Districts shall be limited

exclusively to parks and lots or parcels individually owned comprising at least five acres and then only as a conditional use.

is hereby repealed in its entirety and replaced by the following:

**§ 304-37. Gas or oil production.**

A. Gas or oil production is permitted as a conditional use only in C-1 Commercial Districts where the applicant can establish compliance with the terms contained herein.

Section 2. Use Table.

Table 201 ("Permitted Uses, Conditional Uses, Yard and Area Requirements") of Chapter 304 of the Churchill Borough Code shall be amended to reflect the removal of "Gas and oil well production" as a Conditional Use in the R-1, R-2, R-3, R-4 and R-5 Residential Districts and the C-2 Commercial District.

Section 3. Effective Date / Repealer

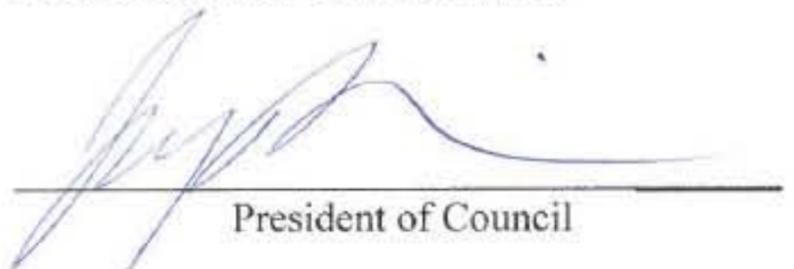
This Ordinance shall become effective immediately upon enactment and shall repeal all prior inconsistent ordinances and resolutions to the extent of such inconsistency.

Section 4. Severability

If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect.

**ORDAINED AND ENACTED** this 9th day of November, 2015.

**BOROUGH OF CHURCHILL**

  
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President of Council

**ATTEST:**

  
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Secretary

**EXAMINED AND APPROVED** this 9th day of November, 2015.

  
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Mayor