

ARTICLE I

GENERAL PROVISIONS

AN ORDINANCE REGULATING AND RESTRICTING: THE USE OF LAND, WATERCOURSES AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, RAZING, REMOVAL AND USE OF STRUCTURES; AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES, AS WELL AS AREAS, COURTS, YARDS AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; DENSITY OF POPULATION AND INTENSITY OF USE; AND FOR THESE PURPOSES, ESTABLISHING DISTRICTS AND BOUNDARIES, PROVIDING FOR THE CORRECTION OF CERTAIN NON-CONFORMING STRUCTURES WITHIN CERTAIN TIME PERIODS AND DESIGNATING AND REGULATING RESIDENTIAL, PUBLIC AND QUASI-PUBLIC, COMMERCIAL, INDUSTRIAL AND FARMING USES WITHIN SUCH DISTRICTS AND BOUNDARIES, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE, AND PENALTIES FOR THE VIOLATION THEREOF.

Section 101 - Title

This Ordinance may be known as the "Penn Township Zoning Ordinance of 2003."

Section 102 - Purpose of Ordinance

This Zoning Ordinance has been prepared in consideration of the Penn Township Comprehensive Plan, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes:

1. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
2. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

3. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements.
4. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Section 103 - Community Development Objectives

This Zoning Ordinance has been adopted to aid in the carrying out of the community development objectives of the Township, which include but are not limited to:

1. Conservation of the sound and lawful uses of land;
2. Preservation and prudent use of the natural resources;
3. The orderly development of residential, commercial, industrial and public purpose uses, and the continued use and protection of agriculturally viable land;
4. Preventing the overcrowding of the land by encouraging appropriate densities of population;
5. Coordinating the location and arrangement of streets and transportation corridors;
6. Providing essential community facilities and utility services.

In addition to the community development objectives identified above, all provisions of the Penn Township Comprehensive Plan, as may be adopted from time to time by the Board of Supervisors, shall be part of the community development objectives.

Section 104 - Review

All development shall be subject to the provisions and requirements delineated in the Penn Township Subdivision and Land Development Ordinance as amended.

Section 105 - Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any

provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

Section 106 – Agricultural Disclaimer

Penn Township contains a mix of agricultural land, forest and mountain land, low and high density residential uses, and non-residential uses. This zoning ordinance recognizes the delicate balance between these uses, specifically, between agricultural uses and residential uses. New and existing Residential and non-residential development can be located next to agriculturally zoned land which protects and encourages agricultural uses. Owners, residents and other users of property adjacent to farms in all districts in Penn Township may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to odor, dust, night, holiday, early morning and weekend operations, noise, use of roads by slow and oversized agricultural equipment, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners, and users of property in where this condition exists should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "The Right to Farm Law", may bar them from obtaining a legal judgment against such normal agricultural operations. The regulations for these districts are intended to protect and stabilize the prevailing characteristics and promote a safe and healthful environment for family life.