

## **Article I**

### Title and Effective Date; Declaration of Legislative Intent; Statement of Community Development Objectives

#### **Section 100. Title and Effective Date**

This ordinance shall be known and may be cited as "The Upper Hanover Township Zoning Ordinance of 1997", and shall become effective upon enactment.

#### **Section 101. Declaration of Legislative Intent [Amended 12/09/03, Ord. No. 2003-12; 2/13/07, Ord. No. 2007-01]**

This ordinance is enacted in accord with Article VI of the Pennsylvania Municipalities Planning Code and is intended to implement the policies and recommendations of the Upper Perkiomen Valley Regional Comprehensive Plan, as well as of the Upper Hanover Township Open Space and Environmental Resource Protection Plan Update (2006) or any successor plan thereto, and to serve the following purposes:

- 101.1 To promote, protect, and facilitate the following in compliance with applicable law:
  - A. Public health, safety, morals, and the general welfare, without the unlawful taking of property.
  - B. Coordinated and practical community development and proper density of population.
  - C. Provision of adequate light and air, and safe, reliable, and adequate water supply and sewage disposal for domestic, commercial, agricultural, and industrial uses.
  - D. Provision of adequate transportation facilities, vehicle parking and loading space, and access to emergency services.
  - E. Provision of schools, recreational facilities, public grounds, and other public requirements.
  - F. Preservation of forests, wetlands, aquifers, floodplains, and natural, scenic, and historic values in the environment.
- 101.2 To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 101.3 To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 101.4 To provide for the use of land within the municipality 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 multifamily dwellings in various arrangements, mobile homes, and mobile home parks.
- 101.5 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.
- 101.6 To insure the opportunity to exercise private property rights in a lawful and uniform manner.

It is not the intention of this ordinance in any way to condemn or take private property. Rather, it intends to regulate it in a reasonable and uniform manner, allowing for adjustments to occur through the zoning hearing procedure or by amendment, or otherwise.

**Section 102. Statement of Community Development Objectives**

**[Amended 12/09/03, Ord. No. 2003-12; 2/13/07, Ord. No. 2007-01]**

The provisions of this ordinance reflect the policy goals of Upper Hanover Township identified in the Upper Perkiomen Valley Regional Comprehensive Plan, and the Upper Hanover Township Open Space and Environmental Resource Protection Plan Update (2006) or any successor plan thereto, and they are the minimum needed to achieve the Legislative Intent identified in Section 101, herein. In addition, the following are specific objectives of this ordinance:

- 102.1 To guide and encourage the future development of the township in accordance with comprehensive planning of land use and population density that represents the most appropriate, beneficial, and convenient relationships among the residential, commercial, industrial, institutional, environmental, and recreational areas within the township.
- 102.2 To respect the suitability of the various areas of the township for the uses appropriate to each of them and their potential for such uses as indicated by natural features, including topography, soil conditions, watercourses, and existing man-made conditions. Also to consider trends in population, the direction and manner of land use, development, and economic activity within the Township and in regard to surrounding areas.
- 102.3 To protect the character and the social and economic stability of each of such areas and encourage their orderly and beneficial growth, where appropriate.
- 102.4 To protect and conserve the integrity of significant natural features, such as watercourses, floodplains, steep slopes, scenic vistas, underground aquifers, and wetlands.
- 102.5 To preserve woodlands and other vegetation to moderate the effects of storms, absorb pollutants and noise, shelter wildlife, and provide a diverse natural environment.
- 102.6 To provide standards for development that respect the natural capacity of land and which help maintain the desirable benefits of natural resources protection.
- 102.7 To protect and conserve the value of land and buildings in the Township, as appropriate to the various zoning districts established herein.
- 102.8 To bring about the gradual conformity of land use to the comprehensive plan, and to minimize conflicts among the uses of land and buildings.
- 102.9 To aid in bringing about the most beneficial relationships between land use and the circulation of traffic throughout the Township, having particular regard to traffic to and from the major roads, and to the avoidance of congestion on the roads and the provision of safe and convenient access appropriate to the various land uses.
- 102.10 To aid in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal, and for private enterprise in building development, investment, and other economic activity relating to land use.
- 102.11 To balance preservation of natural and manmade environments in a lawful manner that does not result in an unlawful taking of property.
- 102.12 To consider timing, location, character, and magnitude of new and changing uses without causing an unjust or uncompensated taking of land.

102.13 To balance the regulations of this ordinance with the prohibition on, or taking of private property without compensation.

Insofar as these objectives are consistent with the purposes set forth in Section 101, the provisions of this Ordinance shall be interpreted, administered, and applied in a manner that will facilitate attainment of these objectives.

**Section 103. Repealer and Construction of Ordinance**

The Upper Hanover Zoning Ordinance of 1987 and as subsequently amended is hereby repealed in total; provided, however, that this repeal shall in no manner be construed as a waiver, release, or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity pertaining to any act done which would have constituted a violation of the Upper Hanover Township Zoning Ordinance of 1987 as amended.

All provisions of the Upper Hanover Township Zoning Ordinance of 1987, as amended, shall remain in full force and effect, and are not repealed hereby, as they pertain to such acts and the processing of such applications or appeals filed prior to the effective date of this Ordinance which are protected from the effect of intervening ordinances as contemplated by the Pennsylvania Municipalities Planning Code.

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