

# **ARTICLE 1 General Provisions**

## **1.1 Authority**

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

## **1.2 Short Title**

This Ordinance shall be known and may be cited as the Nippenose Township Zoning Ordinance.

## **1.3 Effective Date**

This Ordinance is effective immediately upon enactment.

## **1.4 Purpose**

This Ordinance is designed, adopted, and enacted:

1.4.1 – In consideration of the various character of the municipality, its various parts and the suitability of the various parts for particular uses or structures.

1.4.2 – To promote the public's health, safety, morals, and the general welfare; encourage the most appropriate use of land and stabilize the value of property; provide adequate open spaces for light and air; prevent undue concentration of population and lessen congestion on streets and highways.

1.4.3 – To minimize danger to public health by protecting water supply and natural drainage.

1.4.4 – To maintain the viability of Antes Fort as a village center by allowing for a variety of land uses.

1.4.5 – To maintain the viability of a strong agricultural area in the Township.

## **1.5 Community Development Objectives**

The Community Development Objectives of this zoning ordinance are the community goals and objectives identified in Chapter 2 through 5 of The Comprehensive Plan for Lycoming County adopted August 24, 2006, by the Lycoming County Board of Commissioners, and as amended by the Priority Issues identified in the 2016 Multi-Municipal Comprehensive Plan Review and Implementation Strategy for the US.

## **1.6 Interpretation**

In the interpretation and the application of the provisions of this Chapter, the provisions shall be held to be the minimum requirements for the promotion of health, safety, morals and general welfare. Any reference to this ordinance, or any effective date of this ordinance shall, in all cases, refer to and include the most recent amendments to this ordinance.

## **1.7 Establishment of Controls**

1.7.1 Minimum and Uniform Regulations – The regulations set by this Ordinance within each district are the minimum regulations and apply uniformly to each class or kind of structure or land.

1.7.2 For New Uses and Structures – In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

1.7.3 For Existing Uses and Structures – In all districts, after the effective date of this Ordinance, any existing building or other structure, or any which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article 10.

1.7.4 Types of Controls – The following minimum and uniform regulations apply in the respective districts:

- Use regulations, including Permitted, Special Exception, and Conditional Uses;
- Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;
- Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Structures, Buildings, Off-street Parking and Loading; Projections into Yards; Screening and Landscaping; Signs; and other unique conditions; and
- Criteria for the evaluation of Special Exception and Conditional Uses.;

### **1.8 Application of Regulations**

Except as provided for elsewhere within the Ordinance:

1.8.1 – No building, structure, or land shall be used or occupied, and no building or structure shall hereafter be located, converted or structurally altered except in conformity with all regulations herein specified for the district in which it is located.

1.8.2 – No part of a yard, or other space, or off-street parking or loading space required with any building for the purpose of complying with the Ordinance, shall be included as part of a yard, open space; or off-street parking or loading space similarly required at other times.

1.8.3 – No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements established by this Ordinance.

1.8.4 – When a specific use is neither permitted nor prohibited in the schedule of district regulations, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. See Sections 4.26 and 15.2 for further information regarding this procedure.

1.8.5 – In cases of "Mixed Occupancy" the regulation for each use applies to the portion of the building or land so used.

### **1.9 Severability**

The provisions of this Ordinance are severable, and if any of these provisions are held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining portions of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

### **1.10 Conflicts**

1.10.1 Repeal – All ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

1.10.2 Relation to State Law – In all matters including those regulated by the laws of the Commonwealth of Pennsylvania, including the Uniform Construction Code, such laws control where their requirements are in excess of this Ordinance. The controls herein contained shall be applicable in all cases where the State requirements are less than herein contained.

### **1.11 Disclaimer of Liability**

1.11.1 – This Ordinance shall not create liability on the part of the Township of Nippenose or any officer or employee thereof for any fire or flood damage that result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.

1.11.2 – Regarding the floodplain management provisions of this Ordinance, the degree of flood protection sought by these provisions are considered reasonable for regulatory purposes and are based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that land-use permitted within such areas will be free from flooding or flood damage.

1.11.3 – Access to a public system (i.e., water or sewage systems), when stipulated by this ordinance, cannot be guaranteed by terms of access where available are set by the receiving authority or utility company.

### **1.12 Amendment to Prior Ordinance**

This Ordinance serves to amend under the terms of Section 609 of the Pennsylvania Municipalities Planning Code, Act of December 21, 1968, P.L. 805, No. 247, enacted and amended December 21, 1988, P.L. 1507, No. 270; prior Nippenose Township Zoning Ordinance, enacted and ordained by the Supervisors of Nippenose Township, Lycoming County, Pennsylvania, on June 2, 1992, and any subsequent amendments to that Ordinance included:

- February 2, 1993 (Ordinance 93-43)
- March 2, 2004 (Ordinance 04-55)
- June 5, 2000 (Ordinance 01-55)
- November 2, 2004 (Ordinance 04-46)
- April 6, 2004 (Ordinance 04-60)
- February 5, 2008 (Ordinance 08-43)

This provision is not to conflict with Section 1.10.1 and the repeal of inconsistent prior Ordinance and amendments. This amendment shall be effective immediately upon adoption.

### **1.13 Effective Date**

This Ordinance was adopted and shall be effective on the earliest date permitted by Township Law.